Y4.IN2/11:P36

USE AND DISTRIBUTION OF PEMBINA CHIPPEWA INDIAN JUDGMENT FUNDS

COMPLETED ORIGINAL

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

S. 1735

TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS AWARDED THE PEMBINA CHIPPEWA INDIANS IN DOCKETS NUMBERED 113, 191, 221, AND 246 OF THE COURT OF CLAIMS

JUNE 17, 1982
WASHINGTON, D.C.

Y4.IN2/11:P36

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USE AND DISTRIBUTION OF PEMBINA CHIPPEWA INDIAN JUDGMENT FUNDS

JUNE 17, 1982

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 9:20 a.m., in room 5110, Dirksen Senate Office Building, Senator Mark Andrews (acting chairman) presiding.

Present: Senator Andrews.

Staff present: Tim Woodcock, staff director; Peter Taylor, general counsel; Mary Jane Wrenn, staff attorney; Virginia Boylan, staff attorney; John Chaves, staff attorney; Pat Zell, staff attorney; Marilyn Heller and Jeff Bloom, staff professionals; and LuAnn Jamieson, clerical staff.

Senator ANDREWS [acting chairman]. The hearing will come to order.

Good morning, ladies and gentlemen. We are here this morning to receive testimony from tribal members, Pembina Chippewa Indians, and the Department of Interior on S. 1735, a bill to provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets Nos. 113, 191, 221, and 246 of the Court of Claims.

I especially wish to welcome my friends from North Dakota, who have traveled a long distance to be here with us today to share their views on Senate bill 1735. On behalf of Senator Melcher, who will be here later this morning, I welcome the folks from Montana who also have come to help us insure that this bill is a good, thoroughly studied piece of legislation.

On October 14, 1981, Senator Melcher and I introduced the bill, which was then referred to this committee. An identical bill has been introduced in the House of Representatives, but today's hearing will be the first hearing on this legislation.

On March 18, 1980, the Court of Claims issued a partial judgment in the amount of $47,376,622.93 to the Pembina Chippewa Indian plaintiffs in dockets Nos. 113, 191, 221, and 246 which were originally filed with the Indian Claims Commission. On March 25, 1980, the U.S. Treasury, pursuant to a certificate of settlement issued by the Court of Claims, transferred said sum to the Secretary of the Interior for investment until such moneys were distributed. An additional amount of $4,900,715.04, the amount litigated as offsets claimed by the United States, was appropriated on December 24, 1981.

S. 1735 provides for the use and distribution of funds awarded to the Pembina Chippewa Indians by the Court of Claims and applies to both amounts.

The bill governs the use and distribution of the judgment funds to the Turtle Mountain Band of Chippewa Indians of North Dakota, the Chippewa Cree Tribe of Rocky Boy's Reservation of Montana, Minnesota Chippewa Tribe of the White Earth Reservation of Minnesota, and the nonmember Pembina Chippewa descendants.

In the case of the organized tribes, the bill provides for a per capita disbursement to those Pembina Chippewa members of 80 percent of the funds and provides that the remaining 20 percent of these moneys be held in trust and invested by the Secretary of the Interior to be used by the tribal governing bodies for economic and social programs and tribal administration. In the case of those Pembina Chippewa Indians not members of the three tribes, the bill provides for a 100-percent per capita distribution of their share of the award.

I know that all of our witnesses here today have had the chance to study S. 1735 and to speak with the committee staff. Now we will hear the suggestions and criticisms which they have concerning the bill here in public testimony where it will be a part of the record for those who have not been able to come study and eventually we will work out the best possible bill.

As I said earlier, there is no better way to gather suggestions and comments than when you listen to the people who have to live with our legislative actions.

At this point, I will place a copy of S. 1735 in the hearing record.

[The bill follows:]

II

97TH CONGRESS
1ST SESSION

S. 1735

To provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims.

IN THE SENATE OF THE UNITED STATES

OCTOBER 14, 1981

Mr. ANDREWS (for himself and Mr. MELCHER) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

---

A BILL

To provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401, et seq.), or any other law, regulation, or plan promulgated pursuant thereto, any funds appropriated in satisfaction of a judgment awarded to the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims shall be used and distributed as provided in this Act.

SEC. 2. All of the funds appropriated with respect to the judgment awarded the Pembina Chippewa Indians in dockets 113, 191, 221, and 246 (less attorney fees and litigation expenses), including all interest and investment income accrued, shall be divided by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") among the Turtle Mountain Band of Chippewa Indians, the Chippewa Cree Tribe of Rocky Boy's Reservation, the Minnesota Chippewa Tribe, and the nonmember Pembina descendants (as a group) so that each is allocated an amount which bears the same relationship to such funds as the number of members of such band, tribe, or group who are described under section 3(1), 4(1), 5(1), or 6(a) bears to the sum of—

(1) the number of members of the Turtle Mountain Band of Chippewa Indians described in section 3(1),

(2) the number of members of the Chippewa Cree Tribe of Rocky Boy's Reservation described in section 4(1),

(3) the number of members of the Minnesota Chippewa Tribe described in section 5(1), plus

(4) the number of nonmember Pembina Chippewas enrolled by the Secretary under section 6(a).

SEC. 3. The funds allocated by section 2 to the Turtle Mountain Band of Chippewa Indians shall be used and distributed as follows:

(1) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Turtle Mountain Band of Chippewa Indians who are living on the date of the enactment of this Act.

(2) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Turtle Mountain Band of Chippewa Indians. The governing body of such band is authorized to use the interest and investment income accrued on such 20 per centum portion, on an annual budgetary basis subject to the approval of the Secretary, for—

(A) the administration of such band, or

(B) social and economic programs.

A proposed tribal budget utilizing $5,000 or more of such interest or investment income in any fiscal year shall be subject to a tribal referendum in accordance with the constitution of the Turtle Mountain Band of Chippewa Indians. Such 20 per centum portion of the principal shall not be available for per capita payments.

SEC. 4. The funds allocated by section 2 to the Chippewa Cree Tribe of Rocky Boy's Reservation shall be used and distributed as follows:

(1) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Chippewa Cree Tribe of Rocky Boy's Reservation who—

(A) establish Pembina Chippewa ancestry to the satisfaction of the Secretary, and

(B) are living on the date of the enactment of this Act.

(2) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Chippewa Cree Tribe of Rocky Boy's Reservation. The governing body of such tribe is authorized to use the interest and investment income accrued on such 20 per centum portion, on an annual budgetary basis subject to the approval of the Secretary, for—

(A) development of a tribal administration complex,

(B) land acquisition and development,

(C) a swimming pool,

(D) a roller skating rink,

(E) a bowling alley,

(F) any other recreational purposes,

(G) tribal administration, or

(H) any social and economic programs.

A proposed tribal budget utilizing $5,000 or more of such interest or investment income in any fiscal year shall be subject to a tribal referendum in accordance with the constitution of the Chippewa Cree Tribe of Rocky Boy's Reservation. Such 20 per centum portion of the principal shall not be available for per capita payments.

SEC. 5. The funds allocated by section 2 to the Minnesota Chippewa Tribe shall be used and distributed as follows:

(1) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Minnesota Chippewa Tribe who—

(A) are designated as Pembina Band Chippewas on the basis of tribal procedures which are approved by the Secretary, and

(B) are living on the date of the enactment of this Act.

(2) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Minnesota Chippewa Tribe. The White Earth Reservation Business Committee, in con-

sultation with the Pembina Program Planning Committee, is authorized to use the interest and investment income accrued on such 20 per centum portion, on an annual budgetary basis subject to the approval of the Secretary, for—

(A) a joint investment and use program for the bands affiliated with the reservation, or

(B) reservation social and economic programs.

Such 20 per centum portion of the principal shall not be available for per capita payments.

SEC. 6. (a) In order to establish eligibility to participate in the distribution of the funds allocated to the nonmember Pembina Chippewa descendants under section 2, the Secretary shall develop a roll of all individuals who—

(1) are of at least one-quarter Pembina Chippewa blood,

(2) are citizens of the United States,

(3) are living on the date of the enactment of this Act,

(4) are not members of the Red Lake Band of Chippewa Indians, the Turtle Mountain Band of Chippewa Indians, the Chippewa Cree Tribe, or the Minnesota Chippewa Tribe, and

(5) are—

(A) enrolled, or the descendants of a lineal ancestor enrolled—

(i) as Pembina descendants under the provisions of the Act of July 29, 1971 (85 Stat. 158), for the disposition of the 1863 Pembina Award, or

(ii) on the McCumber roll of Turtle Mountain Indians of 1892, or

(iii) on the Davis roll of Turtle Mountain Indians of 1904, or

(iv) as Chippewa on—

(I) the tentative roll of the Rocky Boy Indians of May 30, 1917, or

(II) the McLaughlin census report of the Rocky Boy Indians of July 7, 1917, or

(III) the Roe Cloud Roll of Landless Indians of Montana, or

(B) able to establish Pembina ancestry on the basis of any other rolls or records acceptable to the Secretary.

(b) The Secretary shall promulgate regulations regarding nonmember Pembina enrollment procedures and shall utilize any documents acceptable to the Secretary in establishing eligibility of an individual to receive funds under this section.

(c) Funds allocated to the nonmember Pembina descendants under section 2 shall be distributed on a per capita basis to the individuals enrolled under subsection (a).

SEC. 7. (a) Any payment of a per capita share of funds to which a living, competent adult is entitled under this Act shall be paid directly to such adult.

(b) Any per capita share of funds to which a deceased individual is entitled under this Act shall be paid, and the beneficiaries thereof determined under regulations prescribed by the Secretary.

(c) Any per capita share of funds to which a legally incompetent individual or an individual under eighteen years of age is entitled under this Act shall be paid in accordance with such procedures (including the establishment of trusts) as the Secretary determines to be necessary to protect the interests of such individual.

SEC. 8. None of the funds distributed per capita or made available under this Act for programs shall be subject to Federal, State, or local income taxes or be considered income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or benefits to any person or household participating in any Federal, State, or local programs.

Senator ANDREWS. First, we will hear from the Department of Interior witnesses, Mr. John Fritz, Deputy Assistant Secretary for Indian Affairs.

He is accompanied by Mr. Ted Krenzke, Director of Indian Programs for the Bureau of Indian Affairs; and Mr. Robert Pennington, Chief, Branch of Tribal Special Services, Office of Indian Services.

Gentlemen, please come forward and present your testimony.

We seem to have changed rooms. I went to the other room. I was up on the sixth floor. I do not know whether they moved us out of that hearing room because of the sad memories of a hearing earlier this week, Mr. Secretary, or not, but one way or another we seem to be down here.

You have a whole new floor to bloody up.

[Laughter.]

Senator ANDREWS. We will be happy to have your testimony and see if your back up people this morning are a little better prepared, shall we say, than your back up people have been on other occasions.

Welcome to the committee once again.

As you know, you can summarize your testimony. It will appear in full as though given in full.

Please proceed.

STATEMENT OF JOHN W. FRITZ, DEPUTY ASSISTANT SECRETARY FOR INDIAN AFFAIRS, OPERATIONS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY: TED KRENZKE, DIRECTOR OF INDIAN OPERATIONS, BUREAU OF INDIAN AFFAIRS; AND ROBERT PENNINGTON, CHIEF, BRANCH OF TRIBAL SERVICES, OFFICE OF INDIAN SERVICES, DEPARTMENT OF THE INTERIOR

Mr. FRITZ. Thank you very much, Mr. Chairman.

I trust we will not have to bloody this room today. I think we are in very good shape.

Senator ANDREWS. It has been mostly your blood.

Mr. FRITZ. I am well aware of that.

I would like to briefly summarize our statement and I would like to introduce the two gentlemen to my right. To my immediate right is Ted Krenzke, and to his right is Bob Pennington, who is the Chief of the Branch of Tribal Services within the Office of Indian Services.

Mr. Chairman and members of the committee, I am pleased to present the views of the Department of the Interior on S. 1735, a bill to provide for the use and distribution of the judgment funds of the Pembina Chippewa Indians. We recommend enactment of S. 1735, if amended as we suggest.

S. 1735 would provide for the use and distribution of funds awarded the Pembina Chippewa Indians in docket Nos. 113, 191, 221, and 246 of the Court of Claims. The bill would require the funds to be divided among four beneficiary entities: the Turtle Mountain Band of Chippewa Indians, the Chippewa Cree Tribe, the Minnesota Chippewa Tribe, and the nonmember Pembina descendants.

In the disposition of the Turtle Mountain share, the Chippewa Cree share and the Minnesota Chippewa share, 80 percent of the respective share would be distributed per capita and 20 percent of the share would be held in trust and invested by the Secretary of the Interior. The income from such investment would be utilized on an annual budgetary basis for social and economic programing. The share of the nonmember Pembina descendants would be distributed per capita.

The U.S. Court of Claims on March 18, 1980, issued a partial judgment in the amount of $47,376,622.93 to plaintiffs in docket Nos. 113, 246, 191, and 221 originally filed with the Indian Claims Commission. Funds to satisfy the award were appropriated on March 25, 1980. An additional amount of $4,900,715.04, the result of the litigation of offsets claimed by the United States, was appropriated on December 24, 1981. S. 1735 would provide for the use and distribution of both appropriations in satisfaction of the award.

The award was made for the 1905 value of a large aboriginal tract, over 8 million acres, in north-central North Dakota extending to the Canadian border. By an 1863 treaty, the Pembina Chippewa ceded the lands in the Red River area immediately to the east of the lands involved in the present claims award.

Congress established the McCumber Commission to acquire the unceded Pembina lands west of the Red River area. After considerable confusion, an agreement between the Federal Government and the Turtle Mountain Pembina Chippewas was made on October 22, 1892. Congress amended and approved the agreement on April 21, 1904, and the Pembinas approved it on February 15, 1905.

The socio-political history of the Pembina Band, particularly from the 1860's, is extremely complicated. After an exhaustive examination of the Pembina situation, the Bureau of Indian Affairs in its results of research report, recommended that four modern entities be considered representative of the historic Pembina Band and are the proper beneficiaries of the award.

Consistent with these findings and recommendations, S. 1735 would vest the award funds in the Turtle Mountain Band of Chippewa Indians of North Dakota, in terms of the total tribal membership; the Chippewa Cree Tribe of Rocky Boy's Reservation of Montana, in terms of the number of members of Pembina ancestry, the overwhelming majority; the Minnesota Chippewa Tribe, in terms of the number of Pembinas affiliated with White Earth Reservation, a small minority; and the Pembina descendants of at least one-quarter Pembina blood who are not members of the three organized successor tribes.

Most of the nonmember Pembina descendents are residents of Montana and are not members of, or eligible for membership with, any recognized tribes.

There are factions of Pembina Chippewas who continue to assert that they are fully representative of the historic Pembina Band and should be the sole beneficiaries of the award funds. Usually referring to themselves as the Little Shell Band, they are principally located in North Dakota in the Turtle Mountain Reservation area.

These factions are comprised of both members and nonmembers of the organized Turtle Mountain Band and are led by individuals who have formally withdrawn their membership with Turtle Mountain. The number of those who have withdrawn, but continue to reside on the reservation, does not exceed 35. One of the principal assertions made by these factions is that many Turtle Mountain

Band members are Canadians or members of Canadian Indian bands and are, therefore, illegally enrolled.

We have found no basis for these assertions and regard all members of the Turtle Mountain Band to ultimately derive from the Pembina Band of Plains Ojibwa. We also point out that many of the unenrolled Montana descendants also refer to themselves as the Little Shell Band.

S. 1735 nowhere contains the identification "Little Shell Band" and this we find to be consistent with our recommendations. The appellation Little Shell is of no value in establishing Pembina ancestry. S. 1735 would provide for derivation from any one of several rolls in identifying Pembina descendants. The use of all of these cited rolls has been recommended in our results of research report. Further, the bill would require a minimum of one-quarter blood for nonmember Pembina descendent enrollment. This criterion maintains parity with the enrollment conditions of the three organized beneficiary tribes.

With respect to preparation of the per capita payment rolls, the Turtle Mountain roll is maintained current and we do not anticipate difficulty in developing the Pembina portions of the Minnesota and Chippewa Cree Tribal rolls.

The Turtle Mountain enrollment exceeds 19,000; the Pembina portion of the Chippewa Cree roll is expected to exceed 2,000; and the Pembina portion of the Minnesota Chippewa roll with probably be about 1,200. We also estimate that the nonmember descendant roll will contain over 5,000 names when completed.

Our report contains proposed amendments to S. 1735 which would modify sections 3(2) and 4(2) pertaining to the Turtle Mountain and Chippewa Cree funds for programing.

In addition, we have proposed amendments which would clarify section 7 of the bill relating to the protection of per capita shares of minors and incompetents and revise section 8 containing a tax-related and offset provision. With the inclusion of these amendments, we recommend enactment of S. 1735.

This concludes my prepared statement. I would be pleased to answer any questions you may have.

Senator **Andrews**. I appreciate your testimony.

I note the Department has recommended the section in the bill which specifies that should a tribe wish to utilize $5,000 or more of the interest of the tribal portion of the award, that such decisions shall be subject to a tribal referendum and if one is called for by the tribal constitution.

The amendment would basically take out the dollar amount. Would you please explain why this is necessary?

Mr. **Fritz**. Mr. Chairman, with respect to the requirement of a referendum for both the Turtle Mountain Band of Chippewas and the Rocky Boy portions of the judgment funds, we received input from the tribes which indicated they would like this removed from the act.

It really goes to the practical application of having a proposed tribal budget which would utilize $5,000 or more up for referendum. The returns on the investment are going to be substantially more in each case than this amount.

So, as a result, the tribes proposed to have this limitation removed, and we have no difficulty with these wishes.

Senator ANDREWS. This has been referred to and suggested by the tribal leaders themselves?

Mr. FRITZ. Yes.

Senator ANDREWS. I also see that you recommend a change in section 7(c). Could you explain in more detail why that amendment is proposed? You say it is going to protect the per capita shares of minors and incompetents. In what way?

Mr. FRITZ. What we proposed to add, Mr. Chairman, are the two words "and preserve" after the word "protect" on line 17 of page 8 of the bill. This language would merely maintain the consistency with the Indian Judgment Funds Act of 1973. It just is to preserve consistency.

Senator ANDREWS. I believe that some of the witnesses from the Turtle Mountain Band who will testify later this morning are suggesting that the committee amend the section which deals with the eligible participants in this award from the Turtle Mountain Band.

Their suggestion, as I understand it, is to limit participants in the award to those persons enrolled in Turtle Mountain who are one-quarter or more Pembina Chippewa blood rather than allowing all persons enrolled in the tribe sharing the award. This suggested amendment would not affect any other class of participants other than those at Turtle Mountain Band.

Do you have any comments about that suggestion?

Mr. FRITZ. I just learned recently of this proposal. I have not been as closely attuned to the negotiations that have extended over a period of several years. I think I will turn the question over to Mr. Krenzke.

Mr. KRENZKE. Mr. Chairman, we have understood that the Turtle Mountain Band wished to have their entire membership included as persons to benefit from this award.

This has been our consistent understanding of the situation. However, in the last few days, we have realized that their tribal enrollment requirements related to one-quarter Indian rather than one-quarter Pembina.

Senator ANDREWS. Wait a minute. You say their tribal requirement is one-quarter Indian rather than one-quarter Pembina?

Mr. KRENZKE. Yes.

We understand that the purpose of this would be to create equity between tribal members and nonmember descendants in that situation.

Our suggestion is, rather than that approach, maintain the equity and simply drop the quarter degree requirement for the nonmember descendants which would make it consistent with a similar judgment award act involving the Pembinas that came down in 1971. We would propose this as an alternate to that suggestion.

Senator ANDREWS. Would this type of change significantly delay the enrollment proceedings in the distribution of the moneys?

Mr. KRENZKE. From our perspective, if the suggestion that has been posed in your question were to be followed, then, yes, it would require a thorough search of the Turtle Mountain rolls instead of accepting them as they stand.

The alternate suggestion we have made would not cause any significant delay.

Senator ANDREWS. What proportion of Indian blood do you have in making your eligibility?

Mr. KRENZKE. It would strictly be a straight lineal descendancy with no Indian blood requirement as such.

All lineal descendants—and this is consistent with what we are doing now——

Senator ANDREWS. Straight lineal descendants of the Chippewa Band?

Mr. KRENZKE. Yes; that is true.

Senator ANDREWS. We understand the BIA held four hearings—let me get back to your answer.

You said it would take a while. Would it be a week, a month, a year, or what?

Mr. KRENZKE. Approximately 19,000-plus members are there on these rolls. Obviously, there are many of them to whom this would not apply. That would be the great majority.

But still each one would have to be individually examined. It would be impossible for me to indicate a specific time at this moment. But we would have to review all 19,000 names individually.

Senator ANDREWS. We understand the BIA held four hearings on the awards distribution in 1981. Where were these hearings held?

Mr. FRITZ. Yes, four hearings were held. The Turtle Mountain hearing of record was conducted by Wallace Dunkert on January 6, 1981, at Belcourt, N. Dak.

The Minnesota hearing of record was conducted by Elmer Nitzsche, Mahnomen, Minn., on January 7, 1981.

The Rocky Boy hearing was held by Tom Acevedo on January 11, 1981.

There was a Helena, Mont., hearing of record also held by Mr. Acevedo on January 10, 1981.

All of the individuals that I named are members of the Regional Field Solicitor's Office for the U.S. Department of the Interior.

Senator ANDREWS. Can you provide the transcripts of those hearings for the committee?

Mr. FRITZ. From what I understand, the two hearings—the Rocky Boy hearing and the Helena Mont., hearing—have no transcripts because the court reporter, from the information received from the Solicitor's Office, did not appear.

Senator ANDREWS. You had an official of BIA present at both those hearings, did you not?

Mr. FRITZ. Yes.

Senator ANDREWS. Would he not have sent you a summary of what was said?

Mr. FRITZ. We have summaries. I do not know if they were written or verbally transmitted to us.

Senator ANDREWS. Let us not get into one of those who does what at the BIA. If you hold official field hearings, I would imagine that some of those bureaucrats who go out in the field to the hearings do not just go there to pick up their pay per diem and their lodging and their eating expenses and all that. They go out there to give a report back to you as to what these tribal members and tribal officials have said.

I cannot imagine this. This came before you took over, did it not? It did some. It was partly you and partly the other folks. But these again are the bureaucrats who labor in the bowels of the BIA.

When you send them out to do something and they come back, nobody knows what goes on. Could you scour your records and try to find what type of report they sent back after the hearings were held?

Mr. **Fritz**. We do have a transcript of the tape from the Helena hearing where the court reporter did not show. But all we have is just a verbal record of the Rocky Boy.

Senator **Andrews**. No one made any written notes of the Rocky Boy hearing?

Mr. **Pennington**. Mr. Chairman, we had representatives from the Bureau at each of the hearings. Certainly they took notes and have notes which have been transcribed.

Senator **Andrews**. Might we then request the BIA to send the transcripts of those notes and copies of them to the committee so we may have them?

Mr. **Pennington**. You realize these are very rough notes.

Senator **Andrews**. I realize they are very rough notes. I also realize they might be biased, and I also realize they are not as good as this kind of open public hearing.

But the fact is you did invest taxpayers' money to have these field hearings. They have been held. The committee staff would appreciate it, if you could, within the next 10 days provide us with whatever kind of record you have from those two hearings at which transcripts were not taken and that you provide the transcripts, Mr. Fritz, if you will, from the two hearings at which the transcripts are available.

Mr. **Pennington**. We will be happy to do that.

Senator **Andrews**. I suppose you could do that within 10 days; can you not? It does not take that long to get the message out to the field; does it?

Mr. **Fritz**. No.

Senator **Andrews**. They got the message back about Custer being done in by natives out there a whale of a lot quicker than you seem to be able to move information around 100 years later. [Laughter.]

It would be helpful to us if we could have that.

Finally, Mr. Fritz, does this bill conform to the wishes of the tribes and the individual members of the tribes, as you understand them?

Mr. **Fritz**. I do not know that we could say it conforms to every individual's wish, but to the extent possible, it conforms to the majority of the people's wishes with respect to this matter.

Senator **Andrews**. I want to thank you very much.

[Letter from Ken Smith, Assistant Secretary for Indian Affairs, Bureau of Indian Affairs, Department of the Interior, follows:]

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 16 1982

Honorable William S. Cohen
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on S. 1735, a bill "To provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims."

We recommend the enactment of S. 1735, if amended as suggested herein.

S. 1735 would provide for the use and distribution of funds awarded to the Pembina Chippewa Indians in Docket Nos. 113, 191, 221 and 246 of the Court of Claims. The bill would require the funds to be divided among four beneficiary entities — the Turtle Mountain Band of Chippewa Indians, the Chippewa Cree Tribe, the Minnesota Chippewa Tribe and the non-member Pembina descendants — on the basis of their respective number of members. In the disposition of the Turtle Mountain share, the Chippewa Cree share and the Minnesota Chippewa share, 80 percent of the respective share would be distributed per capita and 20 percent would be held in trust and invested by the Secretary of the Interior. The income from such investment would be utilized for social and economic programming. The share of the non-member Pembina descendants would be distributed per capita.

The U.S. Court of Claims on March 18, 1980, issued a "partial judgment" in the amount of $47,376,622.93 to plaintiffs in Dockets 113, 246, 191 and 221 originally filed with the Indian Claims Commission. Funds to satisfy the award were appropriated on March 25, 1980. An additional amount of $4,900,715.04, the result of the litigation of offsets claimed by the United States, was appropriated on December 24, 1981. S. 1735, in sections 1 and 2, would provide for the use and distribution of both appropriations in satisfaction of the award.

The award was made for the 1905 value of a large aboriginal tract, over eight million acres, in north-central North Dakota extending to the Canadian border. By an 1863 treaty, the Pembina Chippewa ceded the lands in the Red River area immediately to the east of the lands involved in the present claims award. Congress established the McCumber Commission to acquire the unceded Pembina lands west of the Red River area. After considerable confusion, an agreement between the Federal Government and the Turtle Mountain Pembina Chippewas was made on October 22, 1892, which became known as the "Ten Cent Treaty" because about ten cents an acre was paid for roughly ten million acres. Congress amended and approved the agreement on April 21, 1904, and the Pembinas approved it on February 15, 1905.

The sociopolitical history of the Pembina Band, particularly as it extends from the 1860's, is extremely complicated. After an exhaustive examination of the Pembina situation, the Bureau of Indian Affairs in its Results of Research Report dated August 19, 1980, recommended that four modern entities be considered representative of the historic Pembina Band and the proper beneficiaries of the award.

Consistent with these findings and recommendations, S. 1735 would vest the award funds in the Turtle Mountain Band of Chippewa Indians of North Dakota (in terms of the total tribal membership), the Chippewa Cree Tribe of Rocky Boy's Reservation of Montana (in terms of the number of members of Pembina ancestry, the overwhelming majority), the Minnesota Chippewa Tribe (in terms of the number of Pembinas affiliated with White Earth Reservation, a small minority) and the Pembina descendants of at least one-quarter Pembina blood who are not members of the three organized successor tribes. Most of the non-member Pembina descendants are residents of Montana and are not members of, or eligible for membership with, any recognized tribes.

There are factions of Pembina Chippewas who continue to assert that they are fully representative of the historic Pembina Band and should be the sole beneficiaries of the award funds. Usually referring to themselves as the Little Shell Band, they are principally located in North Dakota in the Turtle Mountain Reservation area. These factions are comprised of both members and non-members of the organized Turtle Mountain Band and are led by individuals who have formally withdrawn from membership with Turtle Mountain. The number of those who have withdrawn, but continue to reside on the reservation, does not exceed 35. One of the principal assertions made by these factions or their leaders is that many Turtle Mountain Band members are Canadians or members of Canadian Indian Bands and therefore illegally enrolled. We have found no basis for these assertions and regard all members of the Turtle Mountain Band to derive ultimately from the Pembina Band of Plains Ojibwa. We also point out that many of the unenrolled Montana descendants also refer to themselves as the Little Shell Band (more recently the "Little Shell Tribe of Chippewa Indians of Montana"). S. 1735 nowhere contains the identification "Little Shell Band" and this we find to be consistent with our recommendations. The appellation Little Shell is of no value in establishing Pembina ancestry. Section 6(a) of the bill would provide for derivation from any one of several rolls in identifying Pembina descendants. The use of all of these cited rolls has been recommended in the Results of Research Report. Section 6(a)(1) of the bill would require a minimum of one-quarter blood for Pembina descendant enrollment. This criterion maintains parity with the enrollment conditions of the three organized beneficiary tribes.

Sections 3, 4 and 5 would provide for the Turtle Mountain share, the Chippewa Cree share and the Minnesota Chippewa share, respectively, to be distributed on an 80 percent per capita and a 20 percent programming basis. The Turtle Mountain Band, on September 11, 1980, passed Resolution No. 2534-09-80 in support of a proposal for an 80 percent per capita payment and 20 percent for tribal administration and social and economic programming. The Chippewa Cree Tribe's proposal accompanied Resolution No. 42-80 of November 26, 1980. The White Earth Reservation Business Committee, empowered by the Minnesota Chippewa Tribe, tendered a proposal for an 80 percent per capita payment and 20 percent for programming in the form of Resolution No. 85-81 which was passed in December 1980. All three tribal proposals are wholly acceptable to this Department and, except for the aspects discussed below, are incorporated in S. 1735.

Our only concern with S. 1735 is with section 3(2), pertaining to Turtle Mountain programming, and section 4(2), pertaining to Chippewa Cree programming, which contain identical language subjecting proposed tribal budgets utilizing $5,000 or more of interest or investment income in any fiscal year to a tribal referendum in accordance with the respective constitutions of the tribes.

The Turtle Mountain Band informed us on November 17, 1981, they are concerned about this language. The tribe is congnizant that all interest and investment income accrued in a given year will be well in excess of $5,000. The tribe also desires to avoid the expense of conducting a referendum if neither the membership nor the governing body requests such referendum. Therefore, we recommend that the words "$5,000 or more of" be deleted on page 3, line 18, and that the words "if called" be inserted after the word "referendum" on the same page, line 20.

On November 18, 1981, the Chippewa Cree tribal governing body, through the Agency Superintendent, requested a deletion of all reference to a tribal referendum. We, therefore, recommend that the following sentence on page 5, line 4 of section 4(2), be deleted:

> "A proposed tribal budget utilizing $5,000 or more of such interest or investment income in any fiscal year shall be subject to a tribal referendum in accordance with the constitution of the Chippewa Cree Tribe of Rocky Boy's Reservation."

Unlike the handling of the earlier Pembina Chippewa award for the 1863 treaty taking of Red River lands, we do not expect a lengthy enrollment period. The roll provided for in the Act of July 29, 1971 (85 Stat. 158), for the 1863 Pembina award of $237,000 is only now nearing completion. The principal reason for the delay in completing this roll is that over 24,000 applications were received. Approximately 1,000 applications are still in need of review; however, this work is proceeding rapidly. This particular roll is cited in section 6(a) of S. 1735 as one of the sources which might be employed to identify non-member Pembina descendants. We believe that it will prove to be the principal source; therefore, its completion will accelerate the process of establishing the four shares of the beneficiary entities of the present award. The Turtle Mountain roll is maintained current and we do not anticipate difficulty in developing the Pembina portions of the Minnesota and Chippewa Cree tribal rolls. The Turtle Mountain enrollment exceeds 19,000; the Pembina portion of the Chippewa Cree roll is expected to exceed 2,000; and that of the White Earth Pembinas will probably be about 1,200. We estimate that the descendant roll will contain over 5,000 names when completed.

Section 7 of S. 1735 would provide for the protection of the per capita shares of deceased individual beneficiaries, legal incompetents and minors. These provisions are generally standard; however, we recommend that section 7(c), concerning the handling of the shares of minors and incompetents, be amended. Employing some of the wording in section 3(b)(3) of the Indian Judgment Funds Act of October 19, 1973 (87 Stat. 466), would render section 7(c) stronger in terms of protecting the interests of such beneficiaries. Accordingly, we recommend that the words "and preserve" be inserted after the term "protect" on page 8, line 17. This amendment would include the concept of continual investment of the share for the legally incompetent beneficiary or for the minor until such beneficiary reaches the age of eighteen.

Finally, with respect to section 8 and consistent with our recommendation on similar legislation in the past, we recommend that section 8 be revised to read as follows:

> "None of the funds distributed under this Act shall be subject to Federal or State income taxes or be considered income or resources when determining eligibility for, or the amount of, assistance under the Social Security Act."

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration.

Sincerely,

Ken Smith

[redacted] SECRETARY Indian Affairs

Senator **Andrews**. The first panel we have to hear from this morning is the Pembina Treaty Committee from Belcourt, N. Dak. They are friends of mine from the old Belcourt area.

We have Mary Cornelius, Francis Cree, Leo Wilkie, Elma Wilkie, and Ernest Patnaude.

Sometimes, Mr. Fritz, I wish we could turn Mary Cornelius loose in the BIA's hallowed halls. She would help you clean up that mess down there. She would do it with a very great style. She would be very direct. She is one hard working and hard shouting tough gal. She is recognized as such.

We are glad to have you here. You may proceed.

STATEMENT OF MARY CORNELIUS, CHAIRPERSON, PEMBINA TREATY COMMITTEE, TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS, BELCOURT, N. DAK., ACCOMPANIED BY FRANCIS CREE, VICE CHAIRMAN; AND ELMA WILKIE, SECRETARY; AS READ BY ELMA WILKIE

Ms. **Cornelius**. Thank you, Mr. Chairman.

I have with me Elma Wilkie, our recording secretary, and Francis Cree our vice chairman.

Ms. Wilkie is going to read our testimony because I have an eye problem.

Senator **Andrews**. You will back up whatever she says?

Ms. **Cornelius**. Right.

Senator **Andrews**. I figured you would not be silent.

Ms. **Wilkie**. My name is Marie Elma Wilkie and I am a member of the Turtle Mountain Pembina Descendant Treaty Committee.

This committee was formed as mandated by H.R. 6072, section 4, which states that the governing body of the Turtle Mountain Band shall be required to work in concert with such committee for the purpose of making the recommendations to the Secretary of the Interior for distribution of a judgment against the U.S. Government recovered by the Pembina Band of Chippewa Indians.

We would ask that a copy of exhibit A to our testimony be placed in the record.

Senator **Andrews**. Without objection, the exhibits will be placed in the record following your oral testimony.

Ms. **Wilkie**. Although the members of this treaty committee offered similar testimony during the hearings held at the Turtle Mountain Indian Reservation on January 6, 1981, we are here today because we are concerned that the Bureau of Indian Affairs, through the Secretary of the Interior, will once again act to interpose itself between the legal land-owning entity known as the Turtle Mountain Pembina Chippewa and the U.S. Congress by refusing to acknowledge the existence of bloodline Pembina descendants apart from the general membership of the Turtle Mountain Band.

I would ask that exhibit B of our testimony be placed in the record at this point.

Senator **Andrews**. Without objection, so ordered.

Ms. **Wilkie**. Even though the Bureau of Indian Affairs, by its own admission in its Results of Research Report, dated August 19, 1980, states in part:

As a result of our experience in constructing a descendant roll for 1863 Pembina, and in part resulting from analyzing ethno-historical records in the light of enrollment background, we are now persuaded that very large numbers of Metis—a category detailed below—are indeed able to establish Pembina derivation.

This phenomenon was to us only suspected and sometimes discounted when researching 1863 Pembina and prior to the development of the yet incomplete roll for the award.

I refer here to exhibit C which I would ask be placed in the record.

Senator **Andrews**. Without objection, so ordered.

Ms. **Wilkie**. We are of the opinion that the Bureau of Indian Affairs will continue, as a matter of expediency, to regard all the present members of the Turtle Mountain Band as U.S. citizens and bóna fide lineal bloodline Pembina descendants.

Over the course of many years the history of dealings between the Government and the Pembina Chippewa reveals that the Pembina Chippewa have consistently been exploited by unsympathetic Government officials and systematically deprived of their land, livelihood, and culture.

Troubles began for all the Pembina Chippewas in the mid-19th century when they were living a peaceful buffalo-hunting existence on the plains of North Dakota. As the white settlers encroached upon the Indian lands in greater and greater numbers, they clamored for more and more Indian lands for grazing and farming.

In order to get the Indians out of the way, the U.S. Government engaged in a form of extortion. That is, prior to 1863, the American Pembina Chippewa owned a large territory on both sides of the Red River in the northern portion of Minnesota and North Dakota.

In 1863, the United States entered into a treaty jointly with the Pembina Band and the Red Lake Band of Chippewa under which the United States purchased a portion of the country owned by each of those bands in Minnesota and North Dakota.

The treaty promised these Indians, among other things, $20,000 per year for 20 years.

Following the 1863 cession, the Indians continued to live in North Dakota on the unceded portion of their lands, including the Turtle Mountain area.

As settlers moved into the country, and particularly with the advance of the Northern Pacific Railroad, insistent demand arose for the removal of the Indians from North Dakota. But the Indians refused to move voluntarily, clinging tenaciously to their homeland, which included the Turtle Mountain area in North Dakota.

The U.S. response to the Indians tenacity was to purchase a single township in Minnesota—White Earth—and direct the Pembinas to leave their homes in the Turtle Mountain area and settle there. Although, to induce them to leave, the United States had caused the Indians' 1863 treaty annuities to be delievered to White Earth, the Indians still refused to move.

The carrot having failed, the United States picked up the stick. In violation of the 1863 treaty, the United States, in 1874, advised the Indians that if they did not immediately move to White Earth they would forfeit the annuities promised them by the supposedly sacred words of the 1863 treaty. This threat brought results. About half of the Pembinas moved to White Earth, while the rest remained in the

Turtle Mountain area despite the insistent efforts of the United States to compel them to move to White Earth.

I refer here to exhibit I of our testimony and ask that it be placed in the record at this point.

Senator **Andrews**. Without objection, so ordered.

Ms. **Wilkie**. The demand for the Indians' land remained constant; more white settlers moved into the area along with Canadian Metis who had fled the Reil Rebellion.

In 1882, in direct contravention of the terms of the act creating the Dakota territory, which specified that Indian ownership of land would not be affected except through treaty or convention, the Secretary of the Interior ruled that the Indians had no effective title to their land and advised the President to establish an Executive order reservation.

The Turtle Mountain Reservation was established in 1882 and decreased to its present size by a second Executive order in 1884 at the recommendation of Cyrus Beede that only 25 families were eligible to reside on the reservation.

As white settlers continued to intrude upon the Turtle Mountain Reservation after the Secretary unlawfully opened the unceded country outside of the reservation to homesteaders, Congress moved to obtain a cession.

The McCumber Commission was appointed to negotiate an agreement between the Pembinas and the Government for sale of the land.

Out of the negotiations came the Ten Cent Treaty, representing the sale of approximately 10 million acres of land for a mere $1 million.

Little Shell, hereditary chief of the Pembinas, refused to sign the treaty on the grounds that the reservation area was too small and the payment of $1 million was totally out of line for some of the best land in North Dakota.

The McCumber Commission then proceeded to negotiate the treaty with the Committee of 32 who were handpicked by the Indian agent, Waugh.

I refer here to exhibit J which I would ask be placed in the record.

Senator **Andrews**. Without objection, so ordered.

Ms. **Wilkie**. Meanwhile, the Indian way of life was even more thoroughly undermined by the introduction of railroads into the area and the systematic extermination of the buffalo in the late 19th century.

As the whites prospered, the Pembina Indians lived in even greater poverty, continually facing starvation along with the Metis refugees.

Through the U.S. arrogant and unconscionable conduct, the Pembina people were subjected not only to economic and social hardships, but of more serious consequences, the deprivation of their culture.

The practice of cultural genocide instituted by Government officials and church officials did more damage to the spirit of the Pembinas than being subjected to abject poverty and social hardships.

The suppression of spiritual ceremonies, the prohibition of the use of native language, the destruction of social customs and values, along with the loss of control over legal right, responsibilities, and affairs through forced assimilation thoroughly undermined the Pembina way of life: a way of life which in the past had provided self-sufficiency and a high regard for human dignity and honesty.

By 1952, in House Report 2503, the following description of the Turtle Mountain residents is given:

> Destruction of native customs, and controls upon which tribal unity, unselfishness and welfare depends has instead developed an individualistic attitude expressing itself in jealousies, petty feuds, and lack of confidence in their own ability.

I refer here to exhibit D to my statement which I would ask be placed in the record.

Senator ANDREWS. Without objection, so ordered.

Ms. WILKIE. For these reasons, as well as for other reasons which have been documented, the Treaty Committee at this point in time is very much concerned about the proper management of the Pembina judgment funds.

Who is to say is more qualified to be a judge of the character of the residents of the reservation than those who live there, year after year, on a 1-to-1 basis?

Language in CFR 25, section 60.9 states:

> In assessing any tribal programing proposals, the Secretary of the Interior shall consider all pertinent factors including the formal education level and the general level of social and economic adjustments of such Reservation resident.

I refer here to exhibit E which I would ask be placed in the record.

Senator ANDREWS Without objection, so ordered.

Ms. WILKIE. In order to protect the best interests of the Pembina Chippewa, the Treaty Committee is questioning the competency of the Turtle Mountain governing bodies to be designated as the sole administrators for the use and distribution of the Pembina judgment funds.

To substantiate our reservations we submit the following documentation:

One, a letter written by the tribal Advocacy Rights Committee citing irregularities in the administration of the Turtle Mountain housing programs.

I refer here to exhibits F-1 and F-2 which I would ask be placed in the record.

Senator ANDREWS. Without objection, so ordered.

Ms. WILKIE. Two, a report dated May 6, 1981, citing irregularities in the home improvement program.

I refer here to exhibit F-3 which I would ask be placed in the record.

Senator ANDREWS. Without objection, so ordered.

Ms. WILKIE. Three, a letter dated February 12, 1982, citing the loss of $273,046.86 in surplus commodities; food which is often the mainstay for many of the people and children on the reservation.

I refer here to exhibit F-4 and I would ask that it be placed in the record.

Senator ANDREWS. Without objection, so ordered.

Ms. WILKIE. Under the circumstances, the Pembina Treaty Committee wants to recommend that language in the final draft include the provision that the governing body of the Turtle Mountain Band shall be required to work in concert with a board of trustees composed of Pembina descendants for the use and distribution of Pembina judgment funds.

Another concern of the Pembina Treaty Committee is the stipulation that all Pembina descendants must submit proof of one-fourth Pembina blood to be eligible to participate in the awards.

The Treaty Committee feels the language is discriminatory in that it is the contention of the Bureau of Indian Affairs, as stated in its memorandum dated February 12, 1982, page 2 and paragraph 3 that:

> S. 1735 would vest the award funds in the Turtle Mountain Band of Chippewa of North Dakota—in terms of the total membership.

The Treaty Committee is submitting documentation to the effect that the BIA has indiscriminately enrolled individuals as members of the Turtle Mountain Band without due regard to congressional mandates that one must be a U.S. citizen to be eligible for enrollment.

I refer here to exhibit G-1 through G-7 and would ask they be placed in the record.

Senator ANDREWS. Without objection, so ordered.

Ms. WILKIE. It is evident that the Bureau of Indian Affairs, up to the present time, has circumvented congressional mandates time and time again.

It is a matter of record that, through the years, since the establishment of the Turtle Mountain Reservation, there has been a great deal of intermarriage between the Pembina Chippewa and members of other tribes from various Indian reservations of this country.

Also, intermarriage with members of Canadian reserves and Metis settlements and intermarriage with non-Indians as well have taken place.

For these reasons, and in fairness to those individuals who have had to submit proof of their Pembina blood, the members of the Treaty Committee feels that it is only right that all the enrolled members of the Turtle Mountain Band be required to submit proof of being one-quarter Pembina blood, with the burden of proof of eligibility being on the individual, not based on the discretion of the Bureau of Indian Affairs.

Another concern of the Treaty Committee is that when the 1863 descendant rolls are completed, the funds from docket 18-A—1964 award—be distributed 100 percent per capita to all eligible Pembina descendants with the shares of minors to be invested at the highest rate of interest rather than being held in trust by the BIA.

Documentation substantiates that more than 20 percent of the total award has already been changed as offsets by the BIA for programs and services rendered for the benefit of the Turtle Mountain Band.

The offsets include, among other things, the payment of the White Earth Reservation and the purchase of tribal lands adjacent to the Turtle Mountain Reservation which are now being utilized mostly by Turtle Mountain Band enrollees of the act of May 24, 1940—Stat. 219, the purpose for which the act was passed.

The last request of the Treaty Committee is to establish an enrollment committee composed of Pembina descendants to work in concert with the Director for final screening of eligible applicants and that it be made part of the final draft of the bill.

I would ask that a copy of docket Nos. 18-A, 113, and 191 be placed in the record.

Senator ANDREWS. Without objection, so ordered.

Ms. **Wilkie**. This concludes our testimony. We appreciate being given the opportunity to be heard on these vital issues, which will affect the future of the Pembina people and their children. We have driven by automobile a long way to once again express our views and concerns about the contents of the bill.

We pray that the members of this distinguished committee will take our concerns and recommendations into consideration if we are to achieve true Pembina self-determination.

Meegwitch—Thank you.

Senator **Andrews**. Thank you.

Ms. Cornelius, do you have anything to say?

Ms. **Cornelius**. Senator, I have nothing to add.

Senator **Andrews**. Mr. Cree?

Mr. **Cree**. I have nothing to add, Senator.

Senator **Andrews**. We appreciate your taking time to drive a long way. You have presented complete testimony.

You can be assured that the committee will take it under advisement as we develop this bill.

We appreciate your coming. We thank you very much.

[The exhibits follow. Testimony resumes on p. 78.]

EXHIBIT A

ELECTION

Elected Members of the Pembina Descendent
Committee, Turtle Mountain, Belcourt, N.D.

			Replacements Appointed by Tribal Court
District IV	Pierre Little Shell	51 votes	(deceased) Francis Cree
District II	Frank Lenoir	25 votes	(resigned) Elma D. Wilkie
District III	Thomas Cree	20 votes	(deceased) Leo Wilkie
District II	Mary Rose Cornelius	51 votes	Chairperson
District I	Andrew Turcotte	42 votes	(left area) Ernest Patnaude

Certification of Election

Pierre Little Shell

Pro-tem Chairman, Mary Cornelius

Mary Cornelius

Frank K. Morin

January 1972

Frank K. Morin
The Superintendent

Witness 1-28-72
William S. Weber
Belcourt, No. Dak.

Resolution #2227-07-79

EXHIBIT B

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

RECEIVED
FEB 22 1982
Aberdeen Area Office
TRIBAL GOVERNMENT SERVICES

Rec'd 3/19/82

FEB [illegible]

In reply refer to:

MEMORANDUM

To: Legislative Counsel

Through: Assistant Secretary - Indian Affairs /S/ Kenneth Smith FEB 12 1982

From: Deputy Assistant Secretary - Indian Affairs (Operations)

Subject: S. 1735, A bill "To provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims."

We recommend the enactment of S. 1735, if amended as suggested herein.

Analysis

S. 1735 would provide for the use and distribution of funds awarded the Pembina Chippewa Indians in Docket Nos. 113, 191, 221 and 246 of the Court of Claims. The bill would provide for the funds to be divided among four beneficiary entities -- the Turtle Mountain Band of Chippewa Indians, the Chippewa Cree Tribe, the Minnesota Chippewa Tribe and the non-member Pembina descendants -- on the basis of their respective number of members. In the disposition of the Turtle Mountain share, the Chippewa Cree share and the Minnesota Chippewa share, 80 percent of the respective share would be distributed per capita and 20 percent of the share would be held in trust and invested by the Secretary of the Interior; the income from such investment would be utilized for social and economic programming. The share of the non-member Pembina descendants would be distributed per capita.

Comments

The U.S. Court of Claims on March 18, 1980, issued a "partial judgment" in the amount of $47,376,622.93 to plaintiffs in Dockets 113, 246, 191 and 221 originally filed with the Indian Claims Commission. Funds to satisfy the award were appropriated on March 25, 1980. An additional amount of $4,900,715.04, the result of the litigation of offsets claimed by the United States, was appropriated on December 24, 1981. S. 1735, in sections 1 and 2, would provide for the use and distribution of both appropriations in satisfaction of the award.

The award was made for the 1905 value of a large aboriginal tract, over eight million acres, in north-central North Dakota extending to the Canadian border. By an 1863 treaty, the Pembina Chippewa ceded the lands in the Red River area immediately to the east of the lands involved in the present claims award. Congress established the McCumber Commission to acquire the unceded Pembina lands west of the Red River area. After considerable confusion, an agreement between the Federal Government and the Turtle Mountain Pembina Chippewas was made on October 22, 1892, which became known as the "Ten Cent Treaty." (About ten cents an acre was paid for roughly ten million acres.) Congress amended and approved the agreement on April 21, 1904, and the Pembinas approved it on February 15, 1905.

The sociopolitical history of the Pembina Band, particularly as it extends from the 1860's, is extremely complicated. After an exhaustive examination of the Pembina situation, the Bureau of Indian Affairs in its Results of Research Report dated August 19, 1980, recommended that four modern entities are representative of the historic Pembina Band and the proper beneficiaries of the award.

Consistent with these findings and recommendations, S. 1735 would vest the award funds in the Turtle Mountain Band of Chippewa Indians of North Dakota (in terms of the total tribal membership), the Chippewa Cree Tribe of Rocky Boy's Reservation of Montana (in terms of the number of members of Pembina ancestry, the overwhelming majority), the Minnesota Chippewa Tribe (in terms of the number of Pembinas affiliated with White Earth Reservation, a small minority) and the Pembina descendants of at least one-quarter Pembina blood who are not members of the three organized successor tribes. Most of the non-member Pembina descendants are residents of Montana and are not members of or eligible for membership with any recognized tribes.

The Ojibwa or Chippewa originated as a distinctly Woodland group which pushed westward and southwestward through Wisconsin and Minnesota. By the late 18th century, some had entered the fringes of the Plains and by the early 19th century had become established as Plains Ojibwa and distinct from the parent Woodland Ojibwa. From about 1800, there was a gradual accretion to the original groups which had taken to the Plains and become bona fide, nomadic buffalo hunters adopting many of the cultural patterns and traits of neighboring and often enemy Plains tribes. By 1805 a permanent band of Plains Ojibwa had formed at Pembina in the Red River area around Alexander Henry's trading post. This element became the nucleus of the later Pembina Band, also known as the Turtle Mountain Band. In the larger sense it is apparent that all Plains Ojibwa, both ethnically "full blood" and "mixed blood", derive ultimately from the Red River - Turtle Mountain area. This would include, with the accretion of later American and Canadian Woodland Chippewas and Ottawas and particularly Canadian Plains Cree, the Plains Ojibwa groups who later settled on Canadian reserves. It further includes the mixed blood elements associated with the Plains Ojibwa who were at various times located on the Canadian Plains and who have Cree and other Indian ancestry in addition to Ojibwa. The mixed blood element, which became so large in proportion to the traditional Plains Ojibwa, had its beginnings at the Henry and other trading posts on both sides of the international boundary in the Red River area.

The Plains Ojibwa full blood element is often called "Bungi", meaning "a little bit" in Ojibwa and referring to being originally a little distant, westwards, from their Woodland parents and cousins. They are also simply called "Chippewa" or "Ojibwa" and, especially in Canada, "Salteaux". Confusion between them and Woodland and Plains Crees, and Woodland Ojibwa, is widespread even among scholars and extends to both countries. Compounding confusion is the fact that the term "Cree" is applied often and indiscriminately to the languages of the Plains Ojibwa, Plains Cree and the Plains Ojibwa mixed bloods.

The Plains Ojibwa mixed bloods are call Metis (French for half) or Michif (Ojibwa for half) and are not to be confused with the Metis of the more eastern portions of the United States or Canada. The term Metis, as applied to those associated with the Plains Ojibwa, does not mean merely "half blood" or "half breed" although blood quantum records, both historical and contemporary, often designate them as being of exactly one-half blood. The name Metis has a much broader connotation, referring to a large cultural and sociological element formed during the buffalo hide trading era on the northern Plains. The Metis, by the early 19th century, had developed a distinct culture, "marginal" to that of the tribal peoples and the anglicized societies of both the United States and Canada. The Metis are linguistically distinct, having developed the "Metis jargon" which is predominantly French with many Ojibwa and Cree elements. Those Metis who either continually or at various periods were associated with the Pembina Band in the Red River-Turtle Mountain area were politically part of that band and recognized the authority of the traditional chiefs (such as Little Shell, evidently a father, son and grandson). It is also evident that when the Little Shell of 1892 left the Turtle Mountain area, large numbers of Metis were among his followers.

There are factions of Pembina Chippewas who continue to assert that they are fully representative of the historic Pembina Band and should be the sole beneficiaries of the award funds. Usually referring to themselves as the Little Shell Band, they are principally located in North Dakota in the Turtle Mountain Reservation area. These factions are comprised of both members and non-members of the organized Turtle Mountain Band and are led by individuals who have formally withdrawn from membership with Turtle Mountain. The number of those who have withdrawn, but continue to reside on the reservation, does not exceed 35. One of the principal assertions made by these factions or their leaders is that many Turtle Mountain Band members are Canadians or members of Canadian Indian Bands and therefore illegally enrolled. We have found no basis for these assertions and regard all members of the Turtle Mountain Band to ultimately derive from the Pembina Band of Plains Ojibwa. We also point out that many of the unenrolled Montana descendants also refer to themselves as the Little Shell Band (more recently the "Little Shell Tribe of Chippewa Indians of Montana"). S. 1735 nowhere contains the identification "Little Shell Band" and this we find to be consistent with our recommendations. The appellation Little Shell is of no value in establishing

EXHIBIT C

Pembina ancestry. Section 6(a) of the bill would provide for derivation from any one of several rolls in identifying Pembina descendants. The use of all of these cited rolls has been recommended in the Results of Research Report. Section 6(a)(1) of the bill would require a minimum of one-quarter blood for Pembina descendant enrollment. This criterion maintains parity with the enrollment conditions of the three organized beneficiary tribes.

Sections 3, 4 and 5 would provide for the Turtle Mountain share, the Chippewa Cree share and the Minnesota Chippewa share, respectively, to be distributed on an 80 percent per capita and a 20 percent programming basis. The Turtle Mountain Band, on September 11, 1980, passed Resolution No. 2534-09-80 in support of a proposal for an 80 percent per capita payment and 20 percent for tribal administration and social and economic programming. The Chippewa Cree Tribe's proposal accompanied Resolution No. 42-80 of November 26, 1980. The proposal specifying 30 percent for programming was revised as a result of a Hearing of Record and resubmitted in terms of 20 percent. The White Earth Reservation Business Committee, empowered by the Minnesota Chippewa Tribe, tendered a proposal for an 80 percent per capita payment and 20 percent for programming in the form of Resolution No. 85-81 which was passed in December 1980. All three tribal proposals are wholly acceptable to this Department and, except for the aspects discussed below, are incorporated in S. 1735.

Section 3(2), pertaining to Turtle Mountain programming, and section 4(2), pertaining to Chippewa Cree programming, contain identical language to the effect that proposed tribal budgets utilizing $5,000 or more of interest or investment income in any fiscal year shall be subject to a tribal referendum in accordance with the respective constitutions of the tribes.

The Turtle Mountain Band informed us on November 17, 1981, through the Agency Superintendent of the Bureau of Indian Affairs, that an amendment is desired. Section 3(2) is more mandatory than discretionary and also contains a dollar amount that does not appear in the tribal proposal. The tribe is cognizant that all interest and investment income accrued in a given year will be well in excess of $5,000. The tribe also desires to avoid the expense of conducting a referendum if neither the membership nor the governing body requests such referendum. Therefore, we recommend that the words "$5,000 or more of" be deleted on page 3, line 18, and that the words "if called" be inserted after the word "referendum" on the same page, line 20.

On November 18, 1981, the Chippewa Cree tribal governing body, through the Agency Superintendent, requested a deletion of all reference to a tribal referendum. We, therefore, recommend that the following sentence on page 5, line 4 of section 4(2), be deleted:

> "A proposed tribal budget utilizing $5,000 or more of such interest or investment income in any fiscal year shall be subject to a tribal referendum in accordance with the constitution of the Chippewa Cree Tribe of Rocky Boy's Reservation."

Unlike the handling of the earlier Pembina Chippewa award for the 1863 treaty taking of Red River lands, we do not expect a lengthy enrollment period. The roll provided for in the Act of July 29, 1971 (85 Stat. 158), for the 1863 Pembina award of $237,000 is only now nearing completion. The principal reason for the delay in completing this roll is that over 24,000 applications were received. Approximately 1,000 applications are still in need of review; however, this work is proceeding rapidly. This particular roll is cited in section 6(a) of S. 1735 as one of the sources which might be employed to identify non-member Pembina descendants. We believe that it will prove to be the principal source; therefore, its completion will accelerate the process of establishing the four shares of the beneficiary entities of the present award. The Turtle Mountain roll is maintained current and we do not anticipate difficulty in developing the Pembina portions of the Minnesota and Chippewa Cree tribal rolls. The Turtle Mountain enrollment exceeds 19,000; the Pembina portion of the Chippewa Cree roll is expected to exceed 2,000; and that of the White Earth Pembinas will probably be about 1,200. We estimate that the descendant roll will contain over 5,000 names when completed.

Section 7 of S. 1735 would provide for the protection of the per capita shares of deceased individual beneficiaries, legal incompetents and minors. These provisions are generally standard; however, we recommend that section 7(c), concerning the handling of the shares of minors and incompetents, be amended. Employing some of the wording in section 3(b)(3) of the Indian Judgment Funds Act of October 19, 1973 (87 Stat. 466), would render section 7(c) stronger in terms of protecting the interests of such beneficiaries. Accordingly, we recommend that the words "and preserve" be inserted after the term "protect" on page 8, line 17. This amendment would include the concept of continual investment of the share for the legally incompetent beneficiary or for the minor until such beneficiary reaches the age of eighteen.

With the inclusion of the foregoing amendments, we recommend enactment of S. 1735.

/S/ John W. Fritz

CC:

Advanced Copy CLC-JLyder	BIA Surname
400/440	120 Chrony
SOL-IA (D. Barnes)	100/101
Aberdeen Area Director	886 Mailroom
Minneapolis Area Director	ABrown:gg 1/20/82 X35706

EXHIBIT D

IV. Cultural, Economic and Social Conditions

A. TURTLE MOUNTAIN AGENCY, N. DAK., 1944

"The Indians of the Turtle Mountain Reservation possess a high degree of white blood, much of which is of French extraction. Because of their high percentage of white blood and long association with the white race, these people have lost most of the typical Indian characteristics. Their physical features vary from the dark straight hair, dark skin and black eyes to blond hair and blue eyes. Some even have curly hair.

"These people have very few tribal customs and practically all of them speak English, dress and live as white people. Even in the most poverty stricken homes where the housekeeping is most primitive and crude, it is the simplicity and the crudity of the white. Intermarriages and close associations with the white people have resulted in the destruction of native social customs and tribal control and the suppression of native cultures without providing the facilities by which the customs and cultures of the white people are maintained. The destruction of native customs and controls upon which tribal unity, unselfishness and welfare depends, has instead developed an individualistic attitude expressing itself in jealousies, petty feuds and a lack of confidence in their own ability. It is impossible to be among them very long without being impressed by their patience, resignation, and expression of long suffering. This is especially true of the women who are struck most cruelly during periods of acute privation.

"In general these people have a keen sense of the value of money. They are property conscious and in most cases take good care of their property and do not give anything away. In their dealings with each other, they are frankly businesslike and expect to pay for value received except during periods of acute privation when they help each other as far as possible."

Source: *Ten-Year Program for the Turtle Mountain Agency, N. Dak.*, p. 10.

B. SAGINAW CHIPPEWA TRIBE OF THE ISABELLA RESERVATION OF MICHIGAN, TOMAH AGENCY, 1944

"Generally speaking, the present cultural and economic conditions and standard of living of these people corresponds favorably with the rural non-Indian low income group. They worship in the same Churches, attend the same schools, and participate in the same social activities as their white neighbors."

Source: *Ten-Year Program for Saginaw Chippewa Tribe, Michigan*, p. 7.

C. CONSOLIDATED CHIPPEWA, MINNESOTA, 1944

"Under this broad heading, the broad statement may be made that the present cultural and economic conditions among the Minnesota Chippewa Indians are equal or superior to those to be found among the rank and file or other citizens of our country who have not yet invaded the ranks of our upper one-third.

"The condition in which we find our most primitive 'backwoods' Indian is, in no instance, worse than the condition in which

EXHIBIT E

CFR 25 4-1-81

§ 60.8 Enrollment aspects of plans.

An approved plan that includes provisions for enrollment requiring formal adoption of enrollment rules and regulations shall be implemented through the publication of such rules and regulations in the FEDERAL REGISTER. Persons not members of organized or recognized tribes and who are not citizens of the United States shall not, unless otherwise provided by Congress, be eligible to participate in the use or distribution of judgment funds, excepting heirs or legatees of deceased individual beneficiaries.

§ 60.9 Programing aspects of plans.

In assessing any tribal programing proposal the Secretary shall consider all pertinent factors, including the following: the percentage of tribal members residing on or near the subject reservation, including former reservation areas in Oklahoma, or Alaska Native villages; the formal educational level and the general level of social and economic adjustment of such reservation residents; the nature of recent programing affecting the subject tribe or group and particularly the reservation residents; the needs and aspirations of any local Indian communities or districts within the reservation and the nature of organization of such local entities; the feasibility of the participation of tribal members not in residence on the reservation; the availability of funds for programing purposes derived from sources other than the subject judgment; and all other pertinent social and economic data developed to support any proposed program.

§ 60.10 Per capita payment aspects of plans and protection of funds accruing to minors, legal incompetents and deceased beneficiaries.

(a) The per capita shares of living competent adults shall be paid directly to them. The shares of minors, legal incompetents and deceased individual beneficiaries, enhanced by investment earnings, shall be held in individual Indian money (IIM) accounts unless otherwise provided as set out in this section. While held in IIM accounts, said shares shall be invested pursuant to 25 U.S.C. 162a and shall b
property of the minors or lega
petents or the estates of the d
individual beneficiaries to w
per capita payments were made

(b)(1) Unless otherwise pro
paragraph (b)(2) of this
minors' per capita shares, un
minors attain the age of 18 year
be retained in individually seg
IIM accounts and handled as p
in § 104.4 of this chapter. Shou
determined that the funds ar
invested pursuant to a trust,
who will have reached the ag
years within six months after
tablishment of the trust sha
their funds retained at interest
accounts and paid to them u
taining their majority.

(2) A private trust for the
per capita shares may be esta
subject to the approval of the
governing body and the Secreta
the following conditions:

(i) The tribal governing body
cally requests the establishm
such trust, and the trust prov
segregated amounts to each ind
minor, based on his per capita
and

(ii) The trust agreement spec
provides that the investment p
be followed is that of preserv
trust corpus and of obtain
highest interest rates current
markets can safely provide. Th
agreement must further prov
maturity dates of investments
exceed the period of the tru
that only the following types o
ment shall be made: United
Treasury obligations; Federal
obligations; repurchase/resell
ments; United States Treasur
Bankers' acceptance, provide
assets of the issuing bank e
billion or the issuing bank ple
collateral; Certificates of depo
vided the assets of the issu
exceed $1 billion or the iss
pledges full collateral; Com
paper, provided it is rated p
Moody or A-2 by Standard
or is obligation of a company
standing unsecured debt rated
Standard and Poor.

(c) The per capita shares of
competents shall be held in

EXHIBIT P-1

Dear Sir:

The federally supported housing program on the Turtle Mountain Reservation is seriously crippled and the people are apprehensive.

On February 27, 1981, Denver-HUD Regional Office stopped all disbursements from being made by the Turtle Mountain Indian Housing Authority. All disbursements are now being individually approved by HUD. The actions taken by HUD are drastic but of more serious consequences is the harm being done to the people of the Turtle Mountain Indian Reservation who are in desperate need of decent housing.

In order to clarify the events which brought about the action of HUD, it is necessary to turn back to June 1, 1980. In June of 1980, Tom Davis who was one of five IHA Board Members was removed from the IHA Board by the newly elected Tribal Council Members. All due process removal procedures mandated by HUD policies and the Tribal Code were not followed for Mr. Davis' removal. (See Attachment #1).

Thereafter, the Tribal Council proceeded to appoint new housing board members throughout the summer of 1980. They are Marion Gilland, later replaced by Mike Vann, Clifford Allery, and Russell Davis, Sr. Clarence Marcellais, Chairman, and Dennis Demontigny former board members continue to serve on the Board. By late summer a full board of five members had been appointed but the Tribal Council appointed another member, namely, Ivan Pat Vivier. At the regular annual meeting the new Board Members elected a new Chairman. Long time Chairman, Mr. Marcellais is replaced by Ivan Pat Vivier. Mr. Marcellais' term had not yet expired and his removal was also without due process.

Through the months of September, October, November and December, 1980, the newly appointed board members, namely Pat Ivan Vivier and Russell Davis, Sr. proceeded to take it upon themselves to monitor the activities of individaul IHA staff members and involve themselves in the day to day operations of the Housing Authority which is again in direct violation of Housing policies. Two Tribal Council members, Ray G. Parisien and Ronald Peltier also become ex-officio members of the Housing Authority. They also attend meetings and get involved in the day to day operations of IHA.

During this time, employees of the IHA are threatened with loss of jobs, harassed and intimidated by the new board members and the two councilmen; and because of the actions of these people, the IHA staff request a hearing with the Tribal Council to try and resolve an extremely critical situation, but the Tribal Council fails to take corrective action. (See Attachement #2). Instead

IHA Maintenence Supervisor, Bob Beck is fired along with Bud Forschen, Two other employees, Alex LaFountain and Archie Grant, request a "lay-off" because their working relationships with the New Housing Board members, Ivan Pat Vivier and Russell Davis, Sr. had become intolerable. (See Attachment #3).

The new members of the IHA intermittently develop new policies, change orders, implementations, withdraw policies, re order them, change policies and consistently ignore and violate policies and finally authorize themselves to sign all checks.

On January 26, 27, 28, 1982, officials from the Denver HUD Regional Office conduct a Management Review and find a number of irregularities. (See Attachment #4). Also through the fall of 1980 there are repeated attempts by two of the board members Russell Davis, Sr. and Ivan Pat Vivier to remove Executive Director Fred M. Monette. Motions are made but not seconded.

However, by mid December, 1980 the Tribal Council is experiencing severe cash flow problems. The local banks cannot advance any money to the Tribal Council since the Tribal Government had already borrowed up to its limit. IHA Board Members then approached the Housing Executive Director, Fred Monette, with a written request for IHA to transfer $100,000.00 of HUD funds to the Tribal Account. Mr. Monette refused because the transaction was not legal without HUD approval. Tribal Chairman, Edwin James Henry then telephone Mr. Monette restating the request but Mr. Monette explains to the Chairman that the transaction is not legal and that the request is unreasonable. Mr. Monette then calls HUD and the Rolla Bank, a local band where IHA funds are deposited and both parties affirm Mr. Monette's position and no money is transferred to the Tribal Account.

On January 18, 1981, Ivan Pat Vivier violates housing vehicle policy by taking a housing vehicle and making a 535 mile unauthorized trip to Williston, North Dakota for the purpose of transporting Clifford Allery back to the Reservation. Mr. Allery had indicated previously that he wanted to resign from the Board to seek employment elsewhere. (See Attachment #4).

On January 19, 1981 Ivan Pat Vivier arranges for an emergency executive meeting and the Housing Board votes 3 to 2 to terminate the services of Mr. Monette as Executive Director. Mr. Monette, after 16 years of exemplary service was notified by letter that he was "fired". (See Attachment #5). The vote was Russell Davis, Sr. and Clifford Allery for termination and Dennis Demontigny and Mike Vann against. Ivan Pat Vivier broke the tie to terminate the services of Mr. Monette. No Minutes of the meeting is available.

The reservation community stunned by the unreasonable actions of the IHA Board rallied in support of Mr. Monette by the circulation of two petitions. One petition demanded the removal of Ivan Pat Vivier and Russell Davis, Sr, from the IHA Board. The other petition demanded the reinstatement of Mr. Monette as Executive Director. Over 1,400 signatures were obtained from the tribal members in a matter of three days. The petitions were taken to the Tribal Office and also hand carried to the Aberdeen Area Office but they were ignored by both offices. (See Attachment #6A, B,C).

On February 4, 1981, Fred Monette requested an appeal. His appeal was heard by the same IHA Board members who had fired him. Witness after witness testified on Mr. Monette's behalf. The appeal lasted about four hours. After the hearing, the IHA Board held a secret meeting to decide on the appeal. The vote was two in favor of reinstatement and two opposed. The Chairman, Ivan Pat Vivier again broke the tie against reinstatement.

Prior to the termination of the Executive Director, HUD had approved the expansion of the IHA Board to nine members and the Tribal Council proceeded to appoint four additional members. The first official meeting of the expanded board was scheduled for February 27, 1981. At this meeting two of the new board members along with two of the old members requested a special meeting to reconsider the reinstatement of Fred Monette as Executive Director. (See Attachment #6D). IHA Chairman, Ivan Pat Vivier scheduled the meeting but failed to send out notices to all the board members. Further, he deliberately confuses everyone as to the time and place of the meeting; then boycotts the meeting.

Former Board Chairman, Clarence Marcellais and board member Tom Davis appear at the meeting with documentation proving that they are still legal board members. The other board members who are present agree. Chairman Marcellais opens the meeting for business with HUD officials present. A motion is made to reinstate Fred M. Monette as Executive Director, motion is carried and Mr. Monette is to assume his position as Executive Director.

Later that same night (March 2, 1981) an unannounced and unscheduled meeting is called by Ivan Pat Vivier. Four IHA Board Members are not informed about the unplanned meeting; and a restraining order is issued by the Tribal Judge barring Mr. Monette from the IHA Office.

On March 3, 1981 the Tribal Council for the Turtle Mountain Chippewa Tribe removes "en masse" all Housing Authority Board Members along with Fred Monette as Executive Director. They appoint themselves as the Housing Commissioners in direct violation of HUD policies and the Tribal Code. On March 4, 1981, the HUD Regional Office issues a directive that all disbursements of funds by the Turtle Mountain Housing Authority be stopped.

On March 13, 1981 the removed members of the Housing Board attempted to have their appeals heard by the Tribal Council. They were notified by certified letter that there would be no appeal.

The majority of the people on the Reservation want what is best for the community and those who signed the petitions request justice.

The current housing situation was not brought about to serve the best interests of the people, rather it was brought about by a few individuals who want full control of the Housing Authority to serve their own purposes. The Turtle Mountain Housing Authority is a multi-million dollar operation. It is one of the best Housing Authority in Indian country. It has been for over 15 years, free from corruption and mismanagement of federal funds. At the same time the Housing Authority has made it possible for local Indian businessmen and contractors to build construction companies that are, at least in number, unequalled anywhere in Indian country.

Furthermore, the action of the Tribal Council in appointing themselves as Housing Commissioners has created an immediate conflict of interest. The Tribal

Chairman, Edwin James Henry, is a contractor. He has sub-contracted housing projects in the past. He currently has an interest in a lawsuit against IHA. It involves approximately $43,000.00. (Documentation is on file in the IHA Office).

The Vice-chairman, Farrell Gourneau has potential conflict of interest since his father-in-law was awarded one of the biggest housing contracts during the past year. Councilman Ray G. Parisien's brother and his brother-in-law, Vincent Parisien and John Bercier also have been awarded a housing contract. Councilman, Mike Laducer has the garbage pick up contracts for all the housing units.

Another factor is that the present Executive Director, Charles LaFloe, who was appointed by the Tribal Council has in the past used his position as Board Chairman and Housing Coordinator for his own personal gain and that of his relatives and friends. (Documentation is on file in IHA Office); and because of his past activities his appointment as Executive Director can have serious consequences on future funding of our housing programs by mismanagement on his part.

There are many more facts and issues - violations of civil rights of individual members of the tribe; violations of freedom of information and speech with slander suits being initiated through the Tribal Court when individual members dare to question the activities of the members of the Tribal Council; there are instances of harassment and intimidation by various council members and members of their families against tribal members; there are irregularities and violations in the Tribal Court; there are Treaty rights violations, misuse of federal funds and there is fear.

We are appealing for redress of the above stated grievances through Congressional investigations, if necessary, to help resolve a very serious and potentially explosive situation because the people of the Turtle Mountain Indian Reservation are being oppressed and they are becoming very frustrated.

Yours truly,

TRIBAL RIGHTS ADVOCACY COMMITTEE

P.S. If you have further questions or need more documentation, please contact Tom Davis, Belcourt, N. D. 58316, Phone No. 701 244-5153. Because of possible retaliation by the present Tribal Council against the members of the Tribal Rights Advocacy Committee, we ask for your discretion in the identity of the above-named individual.

T. D.

EXHIBIT F-II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REGIONAL AREA OFFICE
EXECUTIVE TOWER - 1405 CURTIS STREET
DENVER, COLORADO 80202

REGION VIII

January 28, 1982

IN REPLY REFER TO:
80F

FEB 2 1982
TURTLE MOUNTAIN
HOUSING AUTHORITY

Mr. Charles LaFloe
Executive Director
Turtle Mountain Housing Authority
P. O. Box B
Belcourt, North Dakota 58316

Dear Mr. LaFloe:

During a recent internal Department of Housing and Urban Development (HUD) audit it was disclosed that several possible conflicts of interest exist at the Turtle Mountain Housing Authority.

Section 515 of the Annual Contributions Contract (ACC) Part II stipulates that no member, officer or employee of the Indian Housing Authority (IHA) or any member of the local governing body of the locality (i.e., Tribal Council) is to have any interest, direct or indirect, in any proceeds from the Housing Authority during their tenure or for one year thereafter. Any such interest must be disclosed in writing to the Housing Authority, and the Board minutes must reflect such interest. This prohibition may be waived with the prior approval of HUD.

The following are the primary areas of possible conflicts of interest:

1. McCloud Construction Company, a subcontractor for Project ND 6-13 sublet that contract for dirt work to the Tribal Chairperson.
2. The Tribal Chairperson through his construction business may have an interest in a lawsuit against the IHA involving approximately $43,000.
3. Another Tribal Council member has the contracts for garbage pick up for all IHA housing units.
4. A former IHA Board member, a partner in the construction company, Bucks Construction - Electric, who was denied a conflict of interest waiver request by HUD to participate in Project ND 6-12 construction work nevertheless participated in that project and was a subcontractor and general contractor on the next two projects, ND 6-13 and ND 6-14.
5. Parisien Excavating, a subcontractor on Project ND 6-13, is owned by a brother of a Tribal Council member.

Please have the individuals identified above declare their interests to the IHA; reflect such interests in the Board minutes: and submit request for waiver of conflicts of interest to HUD within two weeks from date of this letter. Also, any other possible conflicts should be disclosed at this time. In the future, the immediate disclosure of possible conflicts of interest would preclude an audit finding on the Housing Authority.

Sincerely,

A. Cynthia Leon
Director
Office of Regional Indian Programs

EXHIBIT F-III

JUN 5 1981

JUN 01 1981
Housing Assistance, Aberdeen

Resident Training and Counselling Program

Assistant Secretary-Indian Affairs
Attention: Chief, Division of Housing Assistance, Code 460

Enclosed you will find the proposal and budget for the fifth (5th) year of Bureau funding from the Turtle Mountain Housing Authority. We have also enclosed a letter from the Chairman of the Board of Commissioners, in which he indicates that steps are being taken to resolve the problems which interferred with the Resident Training and Counselling Program.

This housing authority once had operated as the best Resident Training and Counselling Program in the country. Recently, the present Resident Training and Counselling Program staff had been harassed, and threatened by some of the former Commissioners. Therefore, we are placing our faith and trust in the letter signed by Ivan Pat Vivier and will use this letter as evidence to ward off any future interference with the day to day operations of the Resident Training and Counselling Program.

If you should have any questions please feel free to call Don Fischer at FTS 782-7441.

Sincerely,

(Sgd) R. D. Drapeaux

Assistant Area Director
Human Resources

Enclosures: 18

cc: Superintendent, Turtle Mountain Agency
Executive Director, Turtle Mountain Housing Authority
Assistant Area Director, Human Resources

MAY 06 1981

Housing Assistance, Aberdeen

Action: Trip Report

Superintendent, Turtle Mountain Agency

Dates of Travel: April 21-24, 1981

Place of Travel: Belcourt, North Dakota

Purpose: Subpoened into Tribal court and monitoring of the fiscal year 1981 Housing Improvement Program contract.

Contacts: Fred Gillis, Agency Superintendent; John Denke, Agency Reservation Programs Officer and COR; Elmer Davis, District 3 Council member; Sylvester Laplin, Tribal member; Leo Broden, Tribal Attorney; Ted Weisenburger, Judge; Irene Stewart, Assistant Executive Director, Turtle Mountain Housing Authority; Paul McCloud, RTCP Coordinator; Joyce Moran, RTCP Trainer Counsellor; Patti Langen, Turtle Mountain Housing Authority Management employee.

Discussion Items: I reviewed and monitored contract No. A00C14203156, Home Improvement Program. During the review I noted many significant discrepancies and substantial misuses of the program. Particular items of concern to us were that the program is being used as a maintenance program and with substantial political influence used by the council. Over 60 HUD families were assisted with repairs to new units and also in the payment of delinquent rent accounts. This is a severe violation of the HIP program regulations as it is illegal to provide subsidies for the HUD program. Many families were receiving HIP assistance on a regular and repeated basis. HIP funds were also being used in business enterprises; such as a service station, Hinzelburger Investment Company, drilling wells, digging drainfields and repairing water and sewer lines.

Attached is a list of tenants in HUD rental and homeownership project units who have received HIP assistance to the tune of $64,532.73 in fiscal year 1981. It appears that the Housing program was used for about everything instead of what it is originally intended to be used. The Turtle Mountain Tribe received $306,500 for HIP in FY-1981 and assisted approximately 603 families. Based on this amount the average cost is approximately $508.00 per home. Many of these homes were repeats and assistance to HUD unit tenants.

The Housing Improvement Program regulations state, that this program is a major renovation program for existing substandard homes and not a maintenance program.

As I see it, this program is being severely misused. The funds have all been expended during the first few months of operation. At the present time the Tribe is broke and looking for extra funds to cover cost overruns.

Recommendations: It is my strong recommendation that we request an audit of the Housing Improvement Program contract at the Turtle Mountain Agency be made and a bill for collection issued for all erroneous charges.

It is strongly recommended that any future Bureau funds be monitored more closely for the HIP to eliminate any future abuses.

Follow-up Action: Work closely with the Superintendent and Contracting Officer for a follow-up audit on the HIP program as soon as possible.

Name of Consultant: Donald J. Fischer, Area Housing Program Officer

(Sgd) Donald J. Fischer

Area Housing Program Officer

MAY 06 1981

Date

Approved:

(Sgd) R. D. Drapeaux

Assistant Area Director, Human Resources

MAY 06 1981

Date

Attachments: 4

cc: Mr. Linger, Area Contracting Officer
Ms. Ann Hinson, Program Representative, OIP, HUD, Denver, Colorado
Mr. John Danks, COR, Turtle Mountain Agency
Mr. Dick Drapeaux, Assistant Area Director, Human Resources

Housing Assistance:DFischer:mwf:5/6/81:x441

Subject

Chrony

MICROFILMED FROM
BEST AVAIL

EXHIBIT F-IV

THE STATE OF NORTH DAKOTA
Department of Public Instruction
Dr. Joseph C. Crawford, Superintendent
BISMARCK, NORTH DAKOTA 58505

February 12, 1982

Mr. Mike Keplin
Box 900
Belcourt, ND 58316

Dear. Mr. Keplin:

As per our conversation of February 2, 1982, I am writing to express my concern relative to shortages of certain foods in the warehouse at Belcourt.

For the past several years, programs have been encouraged to keep their warehouses full to assure that there is enough food available to feed the people in the event that circumstances prevented the truck getting through.

This past winter proves the wisdom of that advise. During the months of December, January, and February, the truck has been down due to weather conditions, freeze up, etc. Consequently, truck deliveries have had to be shifted, etc.

Additionally, a weather related incident necessitated much of the food at Fort Yates being destroyed. This, in turn, made the stocking of that warehouse a top priority, and forced us to re-route traffic and delay shipments to some areas.

In the case of Turtle Mountain, none of these incidents should have caused an inconvenience or shortage of food whatsoever, because up until November, Turtle Mountain had the most complete array of food in the state.

In spite of all that has happened, neither Fort Totten nor Fort Berthold is experiencing food shortages because they ordered food properly and kept their warehouses full.

As you know from previous conversations and correspondence, Turtle Mountain people lost $273,040.86 in food that should have been made available to them. In terms of weight, this is somewhat more than 600,000 lbs. Had the state office not sent the 15 additional trucks

Mr. Mike Keplin
Page 2
February 12, 1982

during the summer and fall, Turtle Mountain people would have lost an additional $300,000 in commodity foods.
During the months of December '81 and January and February '82, I allowed the program to function on its own so far as ordering food was concerned. During December, Turtle Mountain received 3 semi loads of food. During January through today, Turtle Mountain ordered 6 additional truck loads of food.

As you know, Turtle Mountain needs 6 semi loads of food per month to properly feed the people. I have been encouraging a seventh truck per month to insure that a variety of food is available to the people. As stated above, during December Turtle Mountain received 3 loads of food. In January and February, Turtle Mountain received a total of 6 loads of food.

The question which needs to be raised then, is if, for December, it takes 6 loads just to feed the people, and if in January and February it takes 12 loads just to feed the people, why were only 7 loads ordered instead of the needed 18-21?

As a case in point, the program completely ran out of evaporated milk and dry beans, shortening, macaroni, etc., before ordering additional food. All in all, Turtle Mountain ran out of 20% of the total Food Package at one time or another. None of this is the fault of the state, weather, or truck breakdown.

In addition to the shortage of food, on the occasion of my last 2 visits to Turtle Mountain, I noted the program is having considerable difficulty implementing the new system. This is because the old method of doing things will not work with this system. (Under the new system it is entirely possible to serve up to 10 people at a time if one wishes to. This, of course, requires a bit of creative imagination and resourcefulness. Using the old method of telling each individual what is available, etc., can only lead to mistakes. With the expanded food package, substitutions, etc., it is utterly impossible for one person to correctly repeat these things 1000 times per month. Hense, a change in method of operations is needed.) We are now in the third month and still the hard cards are not complete and in file folders. Rather, they are scattered here and there, misplaced, etc., etc. For a good portion of the month, the 10 men in the back have nothing to do. (For example: on the afternoon of January 21, I observed that about 8 people were served. Additionally, there was no shipment of food, no re-stocking of food, etc.) It seems to me that one of the men can help out in front if help is needed or required.

The flour which we unloaded December 16 is still in the garage, even though there is room in the warehouse for it. I had advised that if anything happens to that flour the tribe will be liable. From an ordering standpoint, it is difficult to project needs if you don't see what you have on hand. With 10 men in the warehouse (including TWEP) there is more than adequate staff to move the flour into the warehouse.

Also, as I have stated on previous occasions, the paperwork required by the Commodity Program is the simplest of all federal or state programs of which I am aware and there is no need for individuals to unnecessarily complicate the process. The 152 which was due in our office February 5, has not yet arrived. (I completed the 152 for Fort Yates and was able to do it in 1½ hours.) Because of the absence of the Turtle Mountain report, we cannot send our report to Denver. In the future we will submit our report without waiting on Turtle Mountain or making excuses for the program.

I have continually advised program directors that in order to make the system work, (given the small warehouses on the reservations) it will be necessary to stagger orders so that warehouses can be kept full, people can be served, and no one will go without. Thus far, everyone except Turtle Mountain is cooperating. Turtle Mountain continues to order everything at once. We will no longer accommodate Turtle Mountain by reserving a week or week and a half block of time for shipments to Belcourt. Belcourt needs trucks every week and it is expected that orders will be submitted accordingly.

Should you need or desire clarification on any of the above, please feel free to contact me.

Sincerely,

John J. Dasovick, Field Coordinator
Food Distribution Program

cjb

EXHIBIT G-II

[From the Turtle Mountain Echo]

Victor J. Delong is Chief Tribal Judge

Tuesday, September 29th, the Tribal Council announced the appointment of Victor J. DeLong as the new Chief Tribal Judge. Mr. DeLong is an enrolled member of the Turtle Mountain Band and has an extensive career in Tribal Law enforcement.

Mr. DeLong was born June 6, 1934 in Killarney, Manitobe. He attended school in Killarney and moved to Belcourt in 1954. He has a long and varied career in law enforcement.

He got involved with law enforcement by attending a BIA Training Center at Rosewell, New Mexico. He completed the 10 week course. He also attended an 8 week State course at United Tribes Technical Center, 2 courses in Brigham City, Utah and a SWAT training course in Pierre, South Dakota.

His list of positions as a peace officer include: 2 years at Fort Totten (where he received a Superior Performance Award), 1 year at Belcourt as a Tribal Police officer, 3 years at the Rosebud Agency in South Dakota, 2 years as Captain of police on the Winnebago Reservation in Macy, Nebraska, 2 years on the Yankton Agency Police force in Wagner, South Dakota, A term as a Criminal Investigater at the Great Lakes Agency in Michigan and as Agency Special Officer in Ashland, Wisconsin.

Since resigning from the Ashla si- tion, he has worked as a welde carpenter while waiting for a propriate position to open.

Victor says that he has always bee terested in the other part of law enfo ment, namly interpreting laws as appl to defendants in a court case. So when heard of the open position vacated by M Frederick, he applied, and to his constei nation he was chosen to fill this very important and controversial role as Tribal Judge. Now he will have his chance to aire a case from behind the bench, rather than as a prosecuting officer.

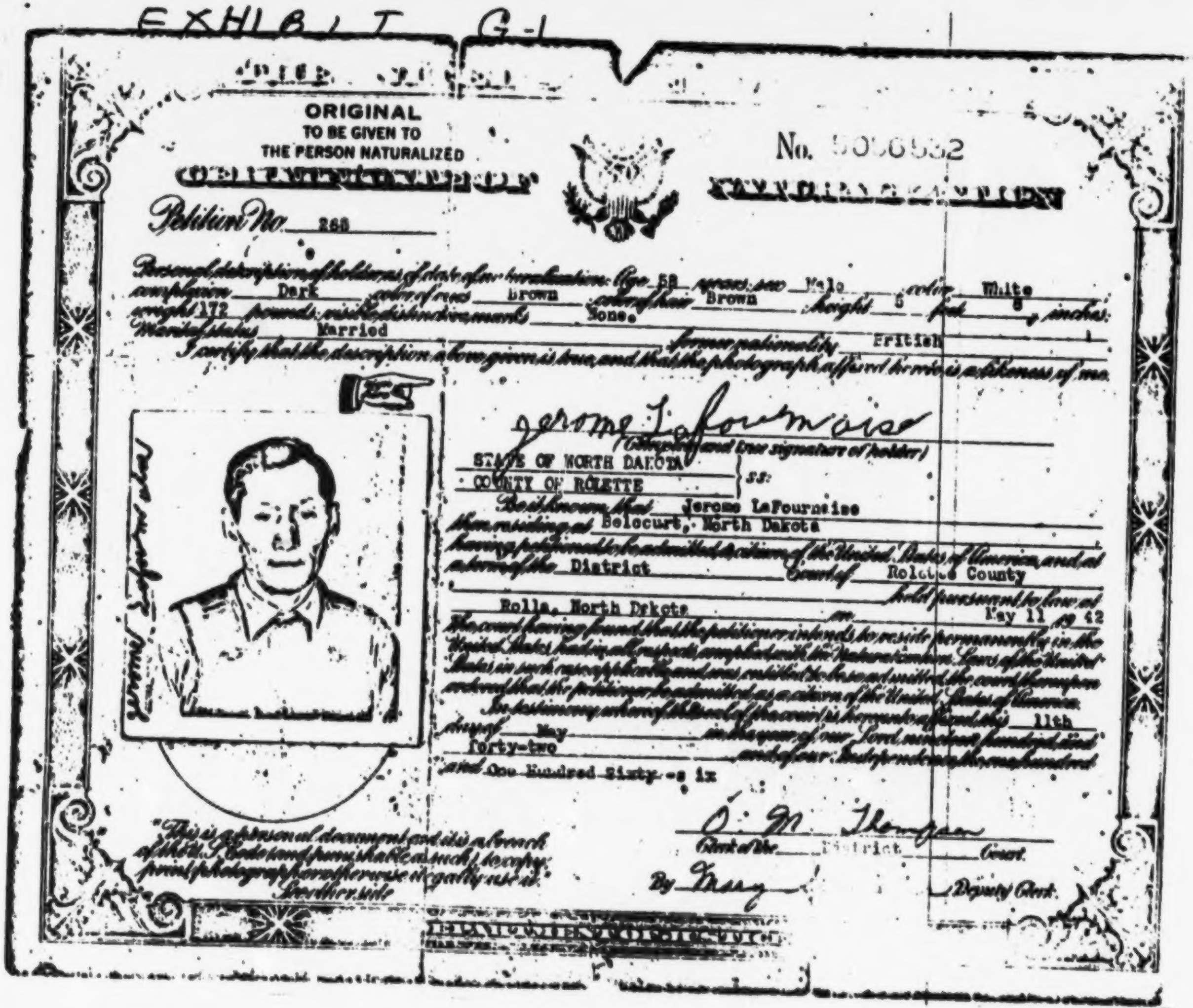
Victor stated that he saw his formost job is to catch up on the over burdened court calendar, which is filled and is seriously back-logged.

He also sees as a priority, the reestablishment of the general publics confidance in the Tribal Judicial System which has of late been maligned. Also he wishes to return to a close working relationship with the area police agenci

One major problem that he saw was the repeated violations of [illegible] and Disorderly Conduct that [illegible] the effective conduct of the court system.

MICROFILMED FROM BEST AVAILABLE COPY

EXHIBIT G-1



ORIGINAL
TO BE GIVEN TO
THE PERSON NATURALIZED

No. 5056532

CERTIFICATE OF NATURALIZATION

Petition No. 268

Personal description of holder as of date of naturalization: Age 58 years; sex Male; color White; complexion Dark; color of eyes Brown; color of hair Brown; height 5 feet 8 inches; weight 172 pounds; visible distinctive marks None.
Marital status Married; former nationality British

I certify that the description above given is true, and that the photograph affixed hereto is a likeness of me.

Jerome Lafournoise
(Complete and true signature of holder)

STATE OF NORTH DAKOTA
COUNTY OF ROLETTE } SS:

Be it known, that Jerome LaFournaise then residing at Belocurt, North Dakota having petitioned to be admitted a citizen of the United States of America, and at a term of the District Court of Rolette County held pursuant to law at Rolla, North Dakota on May 11 1942 the court having found that the petitioner intends to reside permanently in the United States, had in all respects complied with the Naturalization Laws of the United States in such case applicable, and was entitled to be so admitted, the court thereupon ordered that the petitioner be admitted as a citizen of the United States of America.

In testimony whereof the seal of the court is hereunto affixed this 11th day of May in the year of our Lord nineteen hundred and forty-two and of our Independence the one hundred and One Hundred Sixty-six

O. M. Thompson
Clerk of the District Court.
By Mary
Deputy Clerk.

"This is a personal document and it is a breach of U.S. Code (and punishable as such) to copy, print, photograph or otherwise illegally use it."
See other side

DEPARTMENT OF JUSTICE

PENALTIES

(PARAPHRASED FROM U. S. CODE)

WHOEVER SHALL FALSELY MAKE, FORGE OR COUNTERFEIT ANY CERTIFICATE OF CITIZENSHIP, OR BE A PARTY TO ANY SUCH ACTS WITH INTENT TO USE SUCH DOCUMENT, OR THAT THE SAME MAY BE USED BY OTHERS, IS SUBJECT TO A FINE OF NOT MORE THAN $10,000, OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS, OR BOTH.

WHOEVER SHALL PRINT, PHOTOGRAPH, OR CAUSE TO BE PRINTED, PHOTOGRAPHED, MADE OR EXECUTED, ANY CERTIFICATE OF CITIZENSHIP, OR ANY PRINT OR IMPRESSION IN THE LIKENESS OF ANY SUCH CERTIFICATE, OR ANY PART THEREOF, OR SHALL SELL ANY SUCH CERTIFICATE IS SUBJECT TO A FINE OF NOT MORE THAN $10,000, OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS, OR BOTH.

WHOEVER SHALL USE, ATTEMPT TO USE, AID, ASSIST, OR PARTICIPATE IN THE USE OF ANY CERTIFICATE OF CITIZENSHIP, KNOWING THE SAME TO HAVE BEEN PROCURED BY FRAUD OR OTHERWISE UNLAWFULLY OBTAINED, IS SUBJECT TO A FINE OF NOT MORE THAN $1,000, OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR BOTH.

WHOEVER IN ANY MANNER USES FOR THE PURPOSE OF REGISTERING AS A VOTER, OR AS EVIDENCE OF A RIGHT TO VOTE, OR OTHERWISE UNLAWFULLY, ANY CERTIFICATE OF CITIZENSHIP, KNOWING SUCH CERTIFICATE HAS BEEN UNLAWFULLY ISSUED OR MADE; OR WHOEVER UNLAWFULLY USES OR ATTEMPTS TO USE ANY SUCH CERTIFICATE ISSUED TO OR IN THE NAME OF ANY OTHER PERSON, OR IN A FICTITIOUS NAME, OR THE NAME OF A DECEASED PERSON, IS SUBJECT TO A FINE OF NOT MORE THAN $1,000, OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR BOTH.

WHOEVER KNOWINGLY USES ANY CERTIFICATE OF NATURALIZATION GRANTED BY ANY COURT WHICH HAS BEEN PROCURED THROUGH FRAUD OR FALSE EVIDENCE, OR WHICH HAS BEEN ISSUED BY THE CLERK OR OTHER OFFICER OF THE COURT WITHOUT APPEARANCE AND HEARING OF THE APPLICANT IN COURT AND WITHOUT LAWFUL AUTHORITY; OR WHOEVER, FOR A FRAUDULENT PURPOSE, FALSELY REPRESENTS HIMSELF TO BE A CITIZEN OF THE UNITED STATES WITHOUT HAVING BEEN DULY ADMITTED TO CITIZENSHIP, IS SUBJECT TO A FINE OF NOT MORE THAN $1,000, OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR BOTH.

3768-3524-56

PUBLIC NOTICE

In the matter of the Grant of 1,400,000 Acres of Land to the Children of Half-Breed Heads of Families, pursuant to Section 31 of the Act 33 Vic., Cap. 3, and the Orders in Council dated severally the 25th April, 1871, and the 7th September, 1876 the following claims have been approved for the PARISH OF SAINT NORBERT

MANITOBA ARCHIVES

EXHIBIT G-4

No.	NAME OF ALLOTTEE.	No. of Township.	No. of Range.	DESCRIPTION OF THE LAND AL IN LEGAL SUB-DIVISIONS
1	Ayote, Eliza	9	2 E	N. E. ¼ of 27 and the E. ½ of the N. W. ¼
2	Beriault, Bernard	4	2 E	S. W. ¼ of 20 and the N. ½ of the N. W. ¼
3	" Josephte	4	2 E	S. E. ¼ of 20 and the N. ½ of the N. E. ¼
4	" Joachim	8	2 E	N. W. ¼ of 16 and the E. ½ of the N. E. ¼
5	Belanger, John	9	2 E	N. E. ¼ of 28 and the W. ½ of the N. W.
6	Boyer, Joseph	8	2 E	N. W. ¼ of 10 and the S. ½ of the S. W. ¼
7	" Narcisse	8	5 E	S. W. ¼ of 14 and the S. ½ of the S. E. ¼ o
8	Cadotte, Sara	4	2 E	S. W. ¼ of 16 and the N. ½ of the N. W. ¼
9	Cavallier, Alexis	8	2 E	N. W. ¼ of 17 and the W. ½ of the N. E. ¼
10	Carriere, Louis	4	2 E	S. W. ¼ of 17 and the S. ½ of the N. W. ¼
11	" Marguerite	4	2 E	N. E. ¼ of 15 and the E. ½ of the N. W. ¼
12	" Leon	8	4 E	S. W. ¼ of 23 and the S. ½ of the S. E. ¼ o
13	Contois, Julie	8	2 E	N. W. ¼ of 14 and the W. ½ of the N. E. ¼
14	Courchêne, Brigitte	9	2 E	S. E. ¼ of 30 and the S. ½ of the N. E. ¼ o
15	" Françoise	9	2 E	S. E. ¼ of 27 and the E. ½ of the S. W. ¼
16	Charette, Pierre	9	2 E	N. W. ¼ of 34 and the N. ½ of the S. W. ¼
17	" Eliza	9	2 E	N. W. ¼ of 22 and the S. ½ of the N. E. ¼
18	" Solomon	8	2 E	N. W. ¼ of 12 and the E. ½ of the S. W. ¼
19	Delorme, William	9	2 E	S. E. ¼ of 9 and the S. ½ of the N. E. ¼ of
20	" Joseph, jr	9	2 E	N. E. ¼ of 21 and the N. ½ of the S. E. ¼ o
21	" Eliza	4	5 E	S. E. ¼ of 3 and the S. ½ of the N. E. ¼ of
22	" Magloire	4	5 E	N. W. ¼ of 10 and the S. ½ of the S. W. ¼
23	" Veronique	8	5 E	N. W. ¼ of 15 and the N. ½ of the S. W. ¼
24	" Joseph	3	5 E	N. E. ¼ of 35 and the N. ½ of the S. E. ¼ o
25	" Magdeleine	9	3 E	S. E. ¼ of 1 and the E. ½ of the S. W. ¼ of
26	" Alexis	4	2 E	S. E. ¼ of 17 and the S. ½ of the N. E. ¼ of
27	" Pierre	8	2 E	S. E. ¼ of 2 and the S. ½ of the N. E. ¼ of
28	" Angelique	8	4 E	S. E. ¼ of 13 and the E. ½ of the S. W. ¼ o
29	" Josephte	8	4 E	N. E. ¼ of 12 and the N. ½ of the N. W. ¼
30	De Carifel, Maxime	8	4 E	N. W. ¼ of 13 and the W. ½ of the S. W. ¼
31	Deschamps, Hélène	8	4 E	S. E. ¼ of 12 and the N. ½ of the N. E. ¼ of
32	Deslauriers, Eliza	8	5 E	N. ½ of N. ½ of 5 and the N. ½ of the N. W.
33	Dumas, Michel, jr	8	4 E	S. W. ¼ of 12 and the S. ½ of the N. W. ¼ o
34	" Véronique	8	4 E	N. ½ of N. ½ of 2 and the N. ½ of the N. W.
35	Frobischer, Thomas	9	2 E	N. W. ¼ of 32 and the W. ½ of the S. W. ¼
36	" Véronique	8	2 E	N. E. ¼ of 32 and the N. ½ of the S. E. ¼ of
37	" François	8	2 E	S. E. ¼ of 3 and the S. ½ of the N. E. ¼ of 3
38	" Rosalie	5	4 E	N. W. ¼ of 5 and the W. ½ of the N. E. ¼ o
39	" Marguerite	8	2 E	S. W. ¼ of 14 and the W. ½ of the S. E. ¼
40	Galarneau, Joseph	4	5 E	N. E. ¼ of 28 and the N. ½ of the S. E. ¼ of
41	Gandry, Marie	9	2 E	N. E. ¼ of 15 and the S. ½ of the S. E. ¼ of
42	" Justine	8	6 E	S. W. ¼ of 10 and the S. ½ of the N. W. ¼ o
43	Goulet, Roger	3	5 E	S. W. ¼ of 25 and the S. ½ of the N. W. ¼ o
44	Hamelin, Rose	9	2 E	N. W. ¼ of 2 and the E. ½ of the N. E. ¼ of
45	Henry *alias* Honoré, Sarah	3	5 E	S. W. ¼ of 36 and the E. ½ of the S. E.
46	" " John, jr	3	6 E	S. W. ¼ of 22 and the S. ½ of the N. W. ¼ o
47	" " François Xavier	4	5 E	S. E. ¼ of 15 and the N. ½ of the N. E. ¼ of 1
48	" " Moïse	8	2 E	S. E. ¼ of 5 and the S. ½ of the N. E. ¼ of 5.
49	" " Jérome	8	2 E	N. W. ¼ of 7 and the N. ½ of the S. W. ¼ of
50	Jérome *alias* St. Math, Martin	8	2 E	S. W. ¼ of 18 and the S. ½ of the N. W. ¼
51	" " Léocadie	10	2 E	W. ½ of W. ½ of 2 and legal subdivi… that part of legal subdivision 11 … and West of lot No 23, St Vital, … tension of it as surveyed before … of 2.
52	[illegible], Marie	8	3 E	S. E. ¼ of 12 and the N. ½ of the N. E.
53	Lacerte, Octavie	8	4 E	S. W. ¼ of 17 and the W. ½ of the S.
54	" Isabelle	8	6 E	N. W. ¼ of 23 and the W. ½ of the N.
55	Lacerte, Marie	4	5 E	S. W. ¼ of 33 and the S. ½ of the S. E.
56	[illegible], Julie	9	2 E	N. W. ¼ of 31 and the N. ½ of the S. W.
57	Latreille, Alexandre	9	2 E	S. E. ¼ of 10 and the N. ½ of the N.
58	" Clémence	8	5 E	S. W. ¼ of 17 and the S. ½ of the N. W.
59	" Moïse	9	2 E	S. W. ¼ of 30 and the N. ½ of the N. W.

MICROFILMED FROM BEST AVAILABLE COPY

No.	NAME OF ALLOTTEE.	No. of Township.	No. of Range.	DESCRIPTION OF THE LAND ALLOTTED IN LEGAL SUB-DIVISIONS.
26	Eccles, Arabella Matilda	9	2 E	S. E. ¼ of 17 and the S. ½ of the N. E. ¼ of 17.
27	" Samuel John	4	5 E	N. E. ¼ of 25 and the E. ½ of the N. W. ¼ of 25.
28	" Louisa Jane	8	4 E	N. W. ¼ of 28 and the N. ½ of the S. W. ¼ of 28.
29	Frederick, Véronique	8	2 E	S. E. ¼ of 21 and the N. ½ of of the N. E. ¼ of 16.
30	" Gregoire	4	5 E	N. E. ¼ of 9 and the S. ½ of the S. E. ¼ of 16.
31	" Marie	8	5 E	S. E. ¼ of 7 and the N. ½ of the N. E. ¼ of 6.
32	" Louis	8	5 E	S. E. ¼ of 12 and the N. ½ of the N. E. ¼ of 1.
33	Frobrisher, Nancy	8	2 E	S. ½ of S. ½ of 34 and the S. ½ of the S. W. ¼ of 35.
4	" Julienne	8	5 E	S. E. ¼ of 9 and the N. ½ of the N. E. ¼ of 4.
5	" Alexandre	8	3 E	N. W. ¼ of 36 and the N. ½ of the S. W. ¼ of 36.
36	Galarneau, Madeleine	4	5 E	S. E. ¼ of 19 and the S. ½ of the S. W. ¼ of 19.
37	" Guillaume	4	2 E	S. W. ¼ of 23 and the N. ½ of the N. W. ¼ of 14.
38	Gosselin, Antoine, jr	8	2 E	N. E. ¼ of 22 and the S. ½ of the S. E. ¼ of 27.
39	" Joseph	8	5 E	S. E. ¼ of 24 and the E. ½ of the S. W. ¼ of 24.
0	" Marie Rosalie	8	5 E	S. E. ¼ of 32 and the E. ½ of the S. W. ¼ of 32.
1	Gosselin, Joseph Alexandre	8	4 E	N. W. ¼ of 15 and the E. ½ of the N. E. ¼ of 16.
2	" Marie Rosalie	8	2 E	S. W. ¼ of 25 and the W. ½ of the S. E. ¼ of 25.
3	Goulet, Louis	4	2 E	N. W. ¼ of 24 and the S. ½ of the S. W. ¼ of 25.
4	" Alexandre	4	5 E	N. W. ¼ of 16 and the S. ½ of the S. W. ¼ of 21.
5	" Marie	4	2 E	S. E. ¼ of 26 and the S. ½ of the N. E. ¼ of 26.
6	" Augustine	4	2 E	N. E. ¼ of 27 and the S. ½ of the S. E. ¼ of 34.
7	" Napoléon	4	5 E	S. E. ¼ of 2 and the S. ½ of the N. E. ¼ of 2.
8	" Marie Rose	4	2 E	S. E. ¼ of 27 and the S. ½ of the S. W. ¼ of 27.
9	Hamelin, Marie Eléonore	8	4 E	N. E. ¼ of 22 and the S. ½ of the S. E. ¼ of 27.
0	" Joseph Alexandre	4	5 E	S. W. ¼ of 17 and the S. ½ of the N. W. ¼ of 17.
1	Henry *alias* Honoré, Joseph	8	4 E	N. E. ¼ of 18 and the N. ½ of the S. E. ¼ of 18.
2	" " Charles	4	2 E	S. W. ¼ of 35 and the N. ½ of the S. E. ¼ of 34.
3	" " Rosalie	3	6 E	N. W. ¼ of 7 and the S. ½ of the S. W. ¼ of 18.
4	" " Marie Agathe	4	5 E	S. W. ¼ of 1 and the S ½ of the N. W. ¼ of 1.
5	Honoré *alias* Henry, Norbert	8	5 E	N. E. ¼ of 31 and the N. ½ of the N. W. ¼ of 31.
6	" " Eliza	4	5 E	S. E. ¼ of 5 and the S. ½ of the N. E. ¼ of 5.
7	" " Narcisse	4	5 E	S. W. ¼ of 5 and the S. ½ of the N. W. ¼ of 5.
8	" " Marie Anne	8	4 E	N. W. ¼ of 17 and the W. ½ of the N. E. ¼ of 17.
9	" " Marie Hedwidge	4	5 E	N. ½ of N. ½ of 2 and the N. ½ of the N. E. ¼ of 3.
0	" " Josephte Angelique	4	5 E	N. ½ of N. ½ of 5 and the N. ½ of the N. W. ¼ of 4.
1	Lacerte, Pierre	4	2 E	N. E. ¼ of 36 and the N. ½ of the S. E. ¼ of 36.
2	" Joseph	9	2 E	S. E. ¼ of 34 and the W. ½ of the S. W. ¼ of 35.
3	" Mélanie	8	2 E	N. E. ¼ of 34 and the N. ½ of the S. E. ¼ of 34.
4	" Christine	8	3 E	S. W. ¼ of 6 and the S. ½ of the S. E. ¼ of 6.
5	" Justine	8	2 E	N. E. ¼ of 26 and the N. ½ of the S. E. ¼ of 26.
6	" Marie Louise	10	2 E	S. E. ¼ of 5 and the S. ½ of the N. E. ¼ of 5.
7	Ledouceur, François	8	2 E	N. E. ¼ of 13 and the N. ½ of the S. E. ¼ of 13.
8	" William	8	2 E	N. W. ¼ of 23 and the W. ½ of the N. E. ¼ of 23.
9	" Jean Baptiste	8	2 E	N. W. ¼ of 33 and the N. ½ of the S. W. ¼ of 33.
0	" Joseph Alfred	8	2 E	S. W. ¼ of 3 and the S. ½ of the N. W. ¼ of 3
1	Laliberté, Marie Alphonsine	4	2 E	N. E. ¼ of 32 and the E. ½ of the N. W. ¼ of 32.
2	" Thérèse	8	3 E	N. E. ¼ fractional outside settlement belt of 31, and the N. ½ of the S. E. ¼ of 31.
3	" Toussaint	9	2 E	S. E. ¼ of 10 and the S. ½ of the S. W. ¼ of 10.
4	" Marie	4	5 E	S. E. ¼ of 30 and the S. ½ of the N. E. ¼ of 30.
5	Lamirande, Marie	8	4 E	S. E. ¼ of 1 and the S. ½ of the N. E. ¼ of 1.
6	" Louis	9	2 E	S. E. ¼ of 20 and the N. ½ of the N. E. ¼ of 17.
7	" Joseph	4	5 E	N. E. ¼ of 20 and the E. ½ of the N. W. ¼ of 20.
8	" Alexandre	5	4 E	N. E. ¼ of 2 and the N. ½ of the N. W. ¼ of 2.
9	" Angélique	8	2 E	S. E. ¼ of 16 and the S. ½ of the N. E. ¼ of 16
0	" Virginie	3	6 E	S. W. ¼ of 7 and the N. ½ of the N. W. ¼ of 6.
81	Lambert, Philomène	4	5 E	N. E. ¼ of 19 and the W. ½ of the N. W. ¼ of 20.
82	" Louisea	4	2 E	N. E. ¼ of 8 and E. ½ of the N. W. ¼ of 8.
3	Lejeune, Octavie	8	5 E	N. W. ¼ of 14 and the S. ½ of the S. W. ¼ of 23
4	Lau[illegible]ce, Rose	8	2 E	S. E. ¼ of 2[illegible] and the S. ½ of the N. E. ¼ of 24.
5	" Didime	8	2 E	N. W. ¼ of 27 and the N. ½ of the S. W. ¼ of 27.
6	" Marie Louise	4	2 E	S. W. ¼ of 13 and the S. ½ of the N. W. ¼ of 13.
7	" Clarisse	8	5 E	S. W. ¼ of 2 and the S. ½ of the N. W. ¼ of 2.
8	Lépine, Anaclète	5	4 E	N. E. ¼ of 7 and the N. ½ of the S. E. ¼ of 7.
9	" Marguerite	8	5 E	S. W. ¼ of [illegible] and the N. ½ of the N. W. ¼ of 6
0	" Joseph	5	4 E	S. W. ¼ of 4 and the S. ½ of the S. E. ¼ of 4.
1	" Marie Jane	8	6 E	S. E. ¼ of 3 and the E. ½ of the S. W. ¼ of 3.
2	Lizotte, Pierre	4	5 E	N. W. ¼ of 7 and the S. ½ of the S. W. ¼ of 18.
3	" Marie	8	3 E	N. W. ¼ of 30 and the N. ½ of the S. W. ¼ of 30.
4	" Louis	8	3 E	N. E. ¼ of 13 and the N. ½ of the S. E. ¼ of 13.
5	" Joseph	8	5 E	N. E. ¼ of 7 and the S. ½ of the S. E. ¼ of 18
6	" Virginie	8	2 E	S. W. ¼ of 20 and the W. ½ of the S. E. ¼ [illegible]
7	L[illegible], Joseph Thomas	8	3 [illegible]	S. E. ¼ of [illegible] and the W. ½ of the N. E. ¼ of [illegible]
8	Marchand, Isidore	[illegible]	2 E	S. E. ¼ of 28 and the W. ½ of the S. W. ¼ of 27
9	" Julienne	8	2 E	N. W. ¼ of 13 and the E. ½ of the S. W. ¼ of 21.
0	" Esther	9	2 E	S. E. ¼ of 21 and the N. ½ of the N. E. ¼ of [illegible]
1	" Philomène	9	2 E	N. W. ¼ of [illegible] and the S. ½ of the S. W. ¼ of 31.
2	" Eliza	4	2 E	N. W. ¼ of 1 and the E. ½ of the N. E. ¼ of 2
3	McKay, Marie	10	2 E	S. E. ¼ of 4 and the [illegible] ½ of the N. E. ¼ of 4.
4	" Marie Céline	4	2 E	S. E. ¼ of 3 and the E. ½ of the S. W. ¼ of 3.

58
8

Name			Parish	Date of Birth
H Continued				
Hallett	James Jr.		St James	17 Aug 1828.
″	Maria		″	2 Apl 1807.
″	James		″	1800
″	Sarah		″	26 Nov 1802.
Hoakley	Julia		″	1830
Hould	Pizarro		″	1876.
Harper	Maria		Kildonan	1818
″	James		″	12 Feb 1842.
Hamelin	Joseph		St Norbert.	Aug 1833
″	July		″	6 Jan 1843
Honore	Maurice (alias Henry)		″	8 Jan 1847
″	Isabelle		″	25 Dec 1852
″	John		″	17 June 1833
″	Josephte		″	1826
″	Pierre		″	Jany 1845
″	Caroline		″	1845
Henry	Betsy wife of Rbt. Colin		″	1870
Harper	Robert		St Pete.	21 Jan 1842
″	Eliza		″	29 Dec 1821
″	Thomas		″	1807
Haywood	Charles		St. Paul.	Jany 1876.
Hodgson	William		Portage-la-Prairie & White Mud	1836.
Hodges	Margaret		″	13 May 1844

Continued

ARCHIVES

ARCHIVES

PUBLIC NOTICE.

In the matter of the Grant of 1,400,000 Acres of Land to the Children of Half-Breed Hea of Families, pursuant to Section 31 of the Act 33 Vic., Cap. 3, and the Orders in Council, dated severally the 25th April, 1871, and the 7th September, 1876, the following claims have been approved for the Parishes of POPLAR POINT and HIGH BLUFF:

EXHIBIT G-42

No.	Name of Allottee.	Date of Birth.	No. of Twnship.	No. of Range.	Description of the Land Allotted in Legal Subdivisions.
1	Atkinson, George...........	14th December, 1847	13	5 W	S. E. ¼ of 5 and the S. ½ of N. E. ¼ of 5.
2	Adams, Mary...............	16th June, 1856	13	5 W	S. E. ¼ of 33 and the N. ½ of N. E. ¼ of 28.
3	Adams, James Wilson......	9th November, 1860	10	6 W	S. E. ¼ of 34 and the N. ½ of N. E. ¼ of 27.
4	" Ann Elizabeth.....	13th April, 1862	13	5 W	N. W. ¼ of 18 and the N. ½ of S. W. ¼ of 18.
5	" John Robert........	18th May, 1867	10	6 W	S. E. ¼ of 5 and the S. ½ of N. E. ¼ of 5.
6	" Margaret..........	11th November, 1868	10	6 W	N. W. ¼ of 18 and the N. ½ of S. W. ¼ of 18.
7	" Thomas............	22nd October, 1866	10	6 W	N. W. ¼ of 36 and the N. ½ of S. W. ¼ of 36.
8	" Joseph Chas........	27th November, 1868	9	6 W	N. W. ¼ of 18 and the N. ½ of S. W. ¼ of 18.
9	" Elizabeth A.........	26th May, 1867	10	6 W	S. E. ¼ of 4 and the S. ½ of N. E. ¼ of 4.
10	" James G...........	3rd February, 1869	11	5 W	N. W. ¼ of 27 and the S. ½ of S. W. ¼ of 34.
11	" Maria.............	9th December, 1861	13	5 W	S. W. ¼ of 32 and the E. ½ of S. E. ¼ of 31.
12	Alary, Jane..............	1st September, 1857	10	6 W	N. W. ¼ of 32 and the N. ½ of N. E. ¼ of 32.
13	Alary, Victoria............	1st August, 1861	8	6 W	S. W. ¼ of 25 and the N. ½ of N. W. ¼ of 24.
14	The legal representative of the late Alary, Marguerite........	....	10	6 W	S. E. ¼ of 20 and the N. ½ of N. E. ¼ of 17.
15	" Joseph............	20th February, 1870	9	6 W	N. E. ¼ of 9 and the S. ½ of S. E. ¼ of 16.
16	" Magdeleine........	15th July, 1867	13	5 W	N. W. ¼ of 30 and the N. ½ of N. E. ¼ of 30.
17	Atkinson, James............	21st February, 1861	10	6 W	S. W. ¼ of 35 and the S. ½ of N. W. ¼ of 35.
18	" John R..........	7th May, 1862	13	5 W	S. W. ¼ of 24 and the W. ½ of S. E. ¼ of 24.
19	" Donald G.........	21st September, 1864	9	6 W	N. W. ¼ of 28 and the S. ½ of S. W. ¼ of 33.
20	" Margaret J.......	26th March, 1868	13	5 W	N. W. ¼ of 34 and the E. ½ of N. E. ¼ of 33.
21	" Elizabeth J.......	28th January, 1870	11	5 W	S. W. ¼ of 7 and the N. ½ of N. W. ¼ of 6.
22	Allary, Abraham............	Over 18 years.	13	5 W	S. E. ¼ of 14 and the S. ½ of N. E. ¼ of 14.
23	Baby, Jean Bte............	—— —— 1847	10	6 W	S. W. ¼ of 5 and the S. ½ of N. W. ¼ of 5.
24	Bird, Lætitia..............	—— —— 1838	9	6 W	S. W. ¼ of 5 and the S. ½ of N. W. ¼ of 5.
25	" John T.............	—— October, 1851	10	6 W	S. W. ¼ of 1 and the S. ½ of N. W. ¼ of 1
26	" Henry..............	—— —— 1846	13	5 W	S. E. ¼ of 20 and the N. ½ of N. E. ¼ of 17.
27	" Jemima.............	Over 18 years.	9	6 W	N. E. ¼ of 33 and the E. ½ of N. W. ¼ of 33.
28	Blayon, Andrew.............	—— —— 1854	10	6 W	N. E. ¼ of 22 and the W. ½ of N. W. ¼ of 23.
29	" Catherine.........	—— —— 1857	13	5 W	S. W. ¼ of 14 and the S. ½ of N. W. ¼ of 14.
30	Bouvet, Rachel.............	17th September, 1871	9	6 W	N. W. ¼ of 7 and the S. ½ of S. W. ¼ of 18.
31	Brown, Ellen A.............	1st January, 1852	13	5 W	N. W. ¼ of 27 and the S. ½ of S. W. ¼ of 34.
32	" Lætitia A..........	22nd April, 1855	11	5 W	S. E. ¼ of 3 and the S. ½ of N. E. ¼ of 3.
33	" George............	—— —— 1852	9	6 W	S. W. ¼ of 7 and the N. ½ of N. W. ¼ of 6.
34	Bird, Mary..................	—— August, 1857	11	5 W	S. W. ¼ of 6 and the S. ½ of N. W. ¼ of 6.
35	" Sarah Jane..........	4th April, 1868	10	6 W	S. E. ¼ of 35 and the S. ½ of N. E. ¼ of 35.
36	" Charles G...........	28th November, 1861	11	5 W	S. E. ¼ of 25 and the N. ½ of N. E. ¼ of 24.
37	" Charles T...........	9th August, 1869	13	5 W	S. E. ¼ of 12 and the N. ½ of N. E. ¼ of 1.
38	" William............	4th April, 1869	9	6 W	S. E. ¼ of 18 and the N. ½ of N. E. ¼ of 7.
39	Brown, Henry George......	10th August, 1855	11	5 W	S. E. ¼ of 12 and the N. ½ of N. E. ¼ of 1.
40	" John Rupert.......	7th March, 1869	9	6 W	N. E. ¼ of 15 and the N. ½ of N. W. ¼ of 14.
41	" Elizabeth.........	—— —— 1867	13	5 W	N. E. ¼ of 21 and the S. ½ of S. E. ¼ of 28.
42	Bias, Isabella..............	20th March, 1865	13	5 W	S. W. ¼ of 17 and the S. ½ of the N. W. ¼ of 17.
43	" Margaret...........	8th January, 1867	9	6 W	S. W. ¼ of 2 and the S. ½ of N. W. ¼ of 2.
44	Bruce, Joseph Chs..........	7th October, 1857	9	6 W	N. E. ¼ of 16 and the N. ½ of S. E. ¼ of 16.
45	" John James........	29th July, 1863	9	6 W	S. E. ¼ of 20 and the N. ½ of N. E. ¼ of 17.
46	" Adelaide..........	27th March, 1870	10	6 W	N. E. ¼ of 28 and the S. ½ of S. E. ¼ of 33.
47	" Alice.............	12th September, 1865	9	6 W	S. W. ¼ of 12 and the N. ½ of N. W. ¼ of 1.
48	Bruce, Harriet..............	12th August, 1868	10	6 W	N. E. ¼ of 36 and the N. ½ of S. E. ¼ of 36.
49	" C. Jemima.........	14th June, 1868	13	5 W	S. E. ¼ of 32 and the W. ½ of S. W. ¼ of 33.
50	Brown, James Heber........	10th September, 1859	13	5 W	S. E. ¼ of 23 and the N. ½ of N. E. ¼ of 14.
51	" Thomas..........	28th November, 1861	10	6 W	N. W. ¼ of 12 and the S. ½ of S. W. ¼ of 13.
52	" Mary E..........	25th July, 1867	8	6 W	N. E. ¼ of 26 and the S. ½ of S. E. ¼ of 35.
53	" David...........	19th August, 1869	8	6 W	S. E. ¼ of 19 and the S. ½ of N. E. ¼ of 19.
54	Blayon or Tait, Norbert....	13th May, 1867	13	5 W	S. E. ¼ of 9 and the S. ½ of N. E. ¼ of 9.
55	Chisholm, Ann.............	27th January, 1858	13	5 W	S. W. ¼ of 21 and the W. ½ of S. E. ¼ of 21.
56	Cook, Jane M.............	15th January, 1859	9	6 W	S. W. ¼ of 21 and the S. ½ of N. W. ¼ of 21.
57	Cook, Mary Ann...........	15th August, 1859	11	5 W	N. W. ¼ of 10 and the S. ½ of S. W. ¼ of 15.
58	" Catherine R........	31st March, 1862	11	5 W	S. W. ¼ of 1[illegible] and the N. ½ of N. W. ¼ of 9.
59	" Christiana.........	15th July, 1864	10	6 W	S. W. ¼ of 28 and the N. ½ of N. W. ¼ of 21.
60	" [illegible]	[illegible] October, [illegible]	11	5 W	S. E. ¼ of 2 and the S. ½ of N. E. ¼ of 2.
61	" Edwin	[illegible] November, [illegible]	9	6 W	S. E. ¼ of 2 and the S. ½ of N. E. ¼ of 1.
[illegible]	" W[illegible]	[illegible] June, [illegible]	13	5 W	S. E. ¼ of [illegible] and the N. ½ of N. E. ¼ [illegible]

Name			Parish	Date of Birth
A. continued				
Adhemar	Catharine		St Clements	March 1853
"	Eustace		"	15 April 1807
"	Patrick		"	1807
"	Elizabeth		"	1826
"	William		"	10 Feby 1834
Adam	Marie		St François Xavier	Summer 1841.
adam	Marie	Dead	Baie St Paul	—
"	Baptiste		"	1825
Arcand	Josephte		"	11 Sept 1848
"	Joseph		"	10 " 1834
"	Alexander		"	28 Oct 1836
"	Annie		"	11 " 1843
"	Baptiste		"	24 Dec 1840
"	Philomine		"	1843
"	François		"	3 Mar 1843
Allary	Madeleine		"	July 1816
"	Jean Baptiste		"	26 Dec 1840
"	Charlotte		"	1828
"	François		"	25 Dec 1828
"	Genevieve		"	1839
"	Pierre		"	1835
Ayotte	Catharine		"	1809
Allard	Marguerite		"	1834
"	Elizabeth		"	1848
"	Michel		"	1845
"	Catharine		"	1849

Continued

MANITOBA ARCHIVES

Census of the Turtle Mountain band of Chippewa Indians, October 1, 1892, etc.—Cont'd.

MIXED BLOODS ON RESERVATION—Continued.

No.	Indian name.	Sex.	Relation.	Age.
	20.			
75	Azure, J. B.	Male	Father	38
77	Elise	Female	Wife	17
78	Claud	Male	Son	11
	21.			
79	Azure, Mary	Female	Widow	71
80	Julien	do	Daughter	29
81	Frederick	Male	Grandson	8
	22.			
82	Azure, Bruno	Male	Father	20
83	Madalain	Female	Wife	33
84	Justin	do	Daughter	10
85	Moses	Male	Son	6
86	Baptist	do	do	2
	23.			
87	Azure, Moses	Male	Father	33
88	Margarett	Female	Wife	25
89	Joseph	Male	Son	7
90	Antoine	do	do	3
	24.			
91	Azure Benjamin	Male	Father	21
92	Mary	Female	Wife	18
	25.			
93	Allery Abraham	Male	Father	35
94	Margarett (Mary)	Female	Wife	42
95	Louis Phillip	Male	Son	9
96	Marie Rose	Female	Daughter	6
97	Margarett	do	do	4
	26.			
98	Azure Francois No. 2	Male	Father	36
99	Julia	Female	Wife	36
100	Josephine	do	Daughter	11
101	Piere	Male	Son	10
102	Marie Theresa	do	do	8
103	Marie Julia	do	do	6
104	Joseph	do	do	3
	27.			
105	Baker, Jossett	Female	Wife	31
106	George	Male	Husband	46
107	Napoleon	do	Son	3
108	Josephine	Female	Daughter	2
109	Louise Ann	do	do	9
	28.			
110	Bruce, Rosalie	Female	Wife	29
111	Joseph	Male	Husband	41
112	Joseph	do	Son	10
113	Mary	Female	Daughter	7
114	Frederick	Male	Son	3
115	Robert	do	do	1
	29.			

Census of the Turtle Mountain band of Chippewa Indians, October 1, 1892, etc.—Cont'd.

MIXED BLOODS ON RESERVATION—Continued.

No.	Indian name.	Sex.	Relation.	Age.
	30.			
123	Belgarde, Susan	Female	Widow	
	31.			
124	Belgarde, Medalaine	Female	Widow	
125	John	Male	Son	
126	Joseph	do	do	
127	Isabella	Female	Daughter	
128	Michael	Male	Son	
129	Philomene	Female	Daughter	
130	Marie	do	do	
131	Zoblach	do	do	
	32.			
132	Belgarde Gilbert	Male	Father	
133	Sabre	Female	Wife	
134	Emma	do	Daughter	
	33.			
135	Boyer Abraham	Male	Father	
136	Juli	Female	Wife	
137	Alfred	Male	Son	
138	Joseph	do	do	
139	Alexander	do	do	
	34.			
140	Belgarde Bazil	Male	Father	
141	Virginie	Female	Wife	
	35.			
142	Belgard Norbert	Male	Father	
143	Alphonsine	Female	Wife	
144	Annie	do	Daughter	
145	Marcial	Male	Son	
146	Louis	do	do	
	36.			
147	Belgarde Theo. sr	Male	Father	
148	Madelain	Female	Wife	
149	Marie	do	Granddaughter	
150	Louis	Male	Grandson	
	37.			
151	Beauchmen, Gabriel	Male	Father	
152	Margaret	Female	Wife	
153	Gabriel	Male	Son	
154	Thomas	do	do	
155	Joseph	do	do	
156	Louis	do	do	
	38.			
157	Belgarde, Theodore, Jr	Male	Father	
158	Louise	Female	Wife	
159	Edward	Male	Son	
160	Mary Jane	Female	Daughter	
161	Gabriel	Male	Son	
	39.			
162	Blackbird, Margaret	Female	Widow	
163	John [illegible]	Male	Son	
		do		

50

INDIAN CENSUS ROLL

SHEET NO. 21 NORTH DAKOTA

Census of the TURTLE MOUNTAIN reservation of the TURTLE MOUNTAIN jurisdiction, as of April 1, 1931, taken by James H. Hyde, Supt

NUMBER 1.	NAME SURNAME 2.	GIVEN 3.	SEX 4.	AGE AT LAST BIRTHDAY 5.	TRIBE 6.	DEGREE OF BLOOD 7.	MARITAL STATUS 8.	RELATIONSHIP TO HEAD OF FAMILY 9.	RESIDENCE AT JURISDICTION WHERE ENROLLED YES OR NO 10.	ELSEWHERE POST OFFICE 11.
37	Belgarde	Albert	M	35	Chippewa	½	M	Head 300	No	Elphinstone town
NE	"	Mary	F					Wife		Elphinstone town
238	"	Martha	F	17	Chippewa	½	S	dau 301	No	Elphinstone town
239	"	John	M	15	Chippewa	½	S	SON 302	No	Elphinstone town
240	"	Freeman	M	13	Chippewa	½	S	son 303	no	Elphinstone town
241	"	Cuthbert	M	10	Chippewa	½	S	son 304	no	Elphinstone town
242	"	Joe	M	8	Chippewa	½	S	son 305	no	Elphinstone town
243	"	Mabel	F	6	Chippewa	½	S	dau 306	no	Elphinstone town
244	"	Frank	M	3	Chippewa	½	S	son 307	no	Elphinstone town
245	"	Collin	M	1/12	Chippewa	½	S	son 308	no	Elphinstone town

EXHIBIT G 3

Indian Census Roll April-1-1931
Sheet No. 21 North Dakot
Taken by James H. Hyde Sup

RESIDENCE ELSEWHERE AT ANOTHER JURISDICTION 12	COUNTY 13	STATE 14	WARD YES OR NO 15	ALLOTMENT, ANNUITY AND IDENTIFICATION NUMBERS 16
no	Sask	Canada	no	Id.189 Al.G016813
	Sask	Canada	no	Id.
no	Sask	Canada	no	Id.189b
no	Sask	Canada	no	Id.189c
no	Sask	Canada	no	Id.189d
no	Sask	Canada	no	Id.189e
no	Sask	Canada	no	Id.189f
no	Sask	Canada	no	Id.189g
no	Sask	Canada	no	Id.189h
no	Sask	Canada	no	None

MICROFILMED FROM
BEST AVAILABLE COPY

Chippewa

(Canadian)

GRANDFATHER
TRIBE - Blood degree

GREAT - GRANDMOTHER
TRIBE - Blood degree

GREAT - GREAT - GRANDMOTHER
TRIBE - Blood degree

John Baptiste Henry (or Allery)
GRANDFATHER
TRIBE - Blood degree

Baston Peltier

Baptiste Peltier
GREAT - GREAT - GRANDFATHER
TRIBE - Blood degree

Chrysologue "Joseph" Peltier
GREAT - GRANDFATHER
TRIBE - Blood degree

Madeline Deschamp
GREAT - GREAT - GRANDMOTHER
TRIBE - Blood degree

1940 - enroll

Joseph Henry
FATHER
Tmc # 3062 — ½
TRIBE - Blood degree
Born: 6/4/1892
Died: 12/28/1973

Judith Peltier
GRANDMOTHER
TRIBE - Blood degree

GREAT - GREAT - GRANDFATHER
TRIBE - Blood degree

Philomene Fournier
GREAT - GRANDMOTHER
TRIBE - Blood degree

GREAT - GREAT - GRANDMOTHER
TRIBE - Blood degree

Keechewak
GREAT - GREAT - GRANDFATHER
TRIBE - Blood degree

Menetoguanep (or)
Wapemegua (White Bear)
GREAT - GRANDFATHER
TRIBE - Blood degree

Edwin James Henry
APPLICANT
Tmc # 3067 — ¾
TRIBE - Blood degree
Born: 4/28/1929

Micheal
Oezaguegoshik

Ashokey (Lobster)
GREAT - GREAT - GRANDMOTHER
TRIBE - Blood degree

Peiswapacomewet (Grow Bear)
(aka Rasa)
GRANDFATHER
Jim Allet R-271
TRIBE - Blood degree
Born: 1879
Died: 9/5/1927

Michael
Abbish

Nenakowikape (Strong)
GREAT - GREAT - GRANDFATHER
TRIBE - Blood degree

(Snow woman) (Eliza was 3rd wife)
Kesiseokay (Mrs Eliza)
GREAT - GRANDMOTHER
Tmc plat G-326
TRIBE - Blood degree (aka Pa)
1863
Died: 9/23/80

Mishkomakun (Red Beaver)
Opsegueki

KaKeKaypik (Always Sitting)
GREAT - GREAT - GRANDMOTHER
(Bmukishkomakwig (Red Bear) 13 …
TRIBE - Blood degree
ch. 1834

Eliza Iron Bear
MOTHER
Tmc # 3063 — 4/4
TRIBE - Blood degree
Born: 1906

Kesaykemet (Beaver)
GREAT - GREAT - GRANDFATHER
TRIBE - Blood degree

Petwewetung (Coming Voice)
(aka P.212)
GREAT - GRANDFATHER
Pro 3-38-31 (…)
… p31-31

Kayzyleng

Kat…

… (M.I.C. …)

Mary
KiKeyKijikok (Always Day)
GRANDMOTHER
Tm A… -336 Iron Bear
(Mrs Louis Merrick)
Born: 1883
Died: 6/12/1949
(Second husband: Louis Merrick ALSX #1…)

Assinak: Little Stone
Pro 13-142-31-321
Amos … Died … 1931 … died … Iron …

… (Albert)

EXHIBIT G-5

MANITOBA ARCHIVES

Name		Parish	Date of Birth	
M continued		St Andrews.		
Moore Charles		"	17 July 1832	
Monkman Mary		"	15 May 1845.	
" Thomas		"	24 Apl 1845.	
Maxwell Elizabeth		"	1st Dec 1831	
Massey Sarah		"	4 " 1827.	
Munroe Finlay		"	24 July 1834	
" Jane		"	28 Dec 1839.	
Marchand Benjamin		Ste Agathe	13 Dec 1832	
" Nancy		"	1839.	
Migneault Marie		"	10 May 1847.	
Morin Louis		"	29 Apl 1841	
" Catherine		"	31 July 1842	
" André		"	9 Jan 1849.	
Morin Adelaide		"	10 Mar 1830	
" Marianne.		"	28 " 1831.	
" Alexandre		"	15 Jan 1836.	
" Elise		"	10 Mar 1842	
Marion Maxime		"	23 Apl 1838.	
" Elise		"	15 June 1843	
" J Baptiste		"	Nov 1834	
" Marie		"	1825.	
Montreuil Catherine		"	May 1848.	
Moorhead Eliza		"	Jan 1840.	
Marchand Felix		"	June 1840.	enfants of Felix
" Marie		"	Jany 1842	
Martel Rosalie		Boyne Settlement	26 July 1830	enfants of Baptiste
" Baptiste		"	1 Oct 1846	

Continued

181	Morin, André	12th November,	1869	5	4 E	N E ¼ and the E ½ of N W ¼ of 23.
182	" Isidore	6th March,	1870	5	3 E	S E ¼ of 32 and the W ½ of S W ¼ of 33.
183	" Elizabeth	3rd April,	1864	6	3 E	N W ¼ and the N ½ of S W ¼ of 27.
184	" Marie Céline	2nd May,	1866	6	4 E	N E ¼ of 20 and the W ½ of S W ¼ of 21.
185	" Jean-Baptiste	28th November,	1868	5	4 E	N E ¼ and the W ½ of S E ¼ of 18.
186	" Roger	9th April,	1863	6	3 E	S W ¼ of 7 and the N ½ of N W ¼ of 6.
187	" Marie Jane	19th April,	1865	6	3 E	S W ¼ and the S ½ of N W ¼ of 6.
188	" Guillaume	7th October,	1867	7	3 E	S W ¼ and the S ½ of N W ¼ of 36.
189	" Pierre	1st December,	1869	5	2 E	N W ¼ and the S ½ of N E ¼ of 24.
190	Moorhead, Robert James	12th November,	1867	5	2 E	N E ¼ and the N ½ of S E ¼ of 36.
191	" Shepley	22nd February,	1870	5	4 E	N E ¼ and the E ½ of N W ¼ of 23.
192	Morran, Salomon	September,	1861	7	3 E	S E ¼ and the S ½ of N E ¼ of 14.
193	" Alphonsine	April,	1865	6	4 E	N W ¼ and the N ½ of S W ¼ of 36.
194	" Caroline	October,	1868	6	4 E	N W ¼ and the N ½ of S W ¼ of 28.
195	" Jerome François	October,	1870	6	4 E	S W ¼ and the S ½ of legal subdivisions 11 and 12 of 16 and legal subdivision 13 of 6.
196	The legal representatives of the late Marchand, Joseph			5	3 E	S E ¼ and the E ½ of S W ¼ of 22.
197	The legal representatives of the late Moorhead, William F.			5	3 E	S W ¼ and the W ½ of S E ¼ of 23.
198	Miller, Alice			6	4 E	N W ¼ and the W ½ of N E ¼ of 22.
199	Monkman, Elizabeth Jane			6	4 E	S E ¼ and the S ½ of N E ¼ of 13.
200	Marion, Maxime, jun.	1st September,	1864	5	4 E	N E ¼ and the E ½ of N W ¼ of 24.
201	" Marie Louise	3rd July,	1866	6	4 E	N E ¼ of 31 and the W ½ of N W ¼ of 32.
202	" Joseph	17th April,	1868	5	3 E	N W ¼ of 36 and N ½ of N E ¼ of 35.
203	" Louis	6th March,	1870	5	3 E	N E ¼ and the N ½ of S E ¼ of 27.
204	Montreuil, Caroline			5	3 E	S E ¼ of 19 and the S ½ of S W ¼ of 20.
205	The legal representatives of the late McLeod Marie-Justine			6 7	3 E 3 E	N W ¼ of 36. S ½ of S W ¼ of 1.
206	Nesbitt, Clemence			6	3 E	N ½ of S ½ of legal subdivisions 3 and 6, N ½ of legal subdivisions 5 and 6; S ½ of N W ¼ and S ½ of legal subdivisions 13 and 14; W ½ of legal subdivision 7, and W ½ of legal subdivisions 10 and 15 all in section 23.
207	Petit, François Thomas			5	3 E	S E ¼ and the S ½ of N E ¼ of 24.
208	" Thomas			6	4 E	S E ¼ and the S ½ of S W ¼ of 36.
209	Pilon, Marie			5	2 E	S E ¼ and the E ½ of S W ¼ of 22.
210	Pollard, Guillemine			5	2 E	N E ¼ of 22 and the N ½ of N W ¼ of 23.
211	Primeau, Véronique	20th January,	1866	5	3 E	N W ¼ of 24 and the E ½ of N E ¼ of 23.
212	" Joseph	7th December,	1869	5	2 E	S W ¼ of 23 and the N ½ of N W ¼ of 14.
213	Parent, Barbara Hélène	3rd September,	1870	5	3 E	N W ¼ and the N ½ of S W ¼ of 28.
214	Renaud, Nancy			6	4 E	S ½ of S E ¼ of 6 and the S ½ of S W ¼, and legal subdivision 2 of 5 lying West of Rat River.
215	Rogers, Marie			6	4 E	N ½ of S E ¼ of 6 and the N ½ of S W ¼, and legal subdivisions 7 and 8 of 5 lying West of Rat River.
216	Rousain, Charles			6	3 E	N E ¼ of 9 and the S ½ of S E ¼ of 16.
217	" Marie			6	4 E	N E ¼ and the S ½ of N W ¼ of 6.
218	Ravette, François	23rd March,	1864	6	3 E	N E ¼ and the N ½ of S E ¼ of 13.
219	" Alexandre	22nd October,	1866	5	4 E	S W ¼ and the S ½ of N W ¼ of 30.
220	" Joseph	24th March,	1869	7	3 E	N E ¼ of 13 and the S ½ of S E ¼ of 24.
221	Rainville, Elise	12th October,	1861	7	3 E	S E ¼ of 12 and the N ½ of N E ¼ of 1.
222	" Jean	29th January,	1866	5	2 E	S W ¼ of 36 and the N ½ of N W ¼ of 25.
223	" Marguerite	3rd June,	1869	5	4 E	N E ¼ and the E ½ of N W ¼ of 13.
224	Roy, Marie	5th August,	1861	5	3 E	N E ¼ of 32 and the W ½ of N W ¼ of 33.
225	" Virginie	22nd August,	1865	6	3 E	S E ¼ of 24 and the N ½ of N E ¼ of 27.
226	Rogers, Roger	23rd December,	1870	6	3 E	S E ¼ of 28 and the N ½ of N E ¼ of 21.
227	Roy, Louis	17th December,	1867	6	3 E	S E ¼ and the S ½ of N E ¼ of 27.
228	" Eléonore	22nd April,	1869	6	3 E	S W ¼ and the E ½ of N W ¼ of 17.
229	" Joseph	20th April,	1870	6	3 E	S E ¼ of 23 and the N ½ of N E ¼ of 24.
230	Rousain, Pierre	12th June,	1866	6	3 E	N W ¼ and the N ½ of S W ¼ of 18.
231	" Eustache	13th June,	1861	7	3 E	N W ¼ of 3 and the E ½ of N E ¼ of 4.
232	" François Régis	8th March,	1867	6	3 E	S W ¼ and the S ½ of N W ¼ of 14
233	The legal representatives of the late Rainville, Marie			6	4 E	S W ¼ and the W ½ of S E ¼ of 14.
234	The legal representatives of the late Rousain, Virginie			6	3 E	S W ¼ and the W ½ of S E ¼ of 4.
235	Savoyard, Norbert			5	4 E	N W ¼ of 7 and the S ½ of S W ¼ of 18.
236	Scott, Guillemine			7	3 E	S E ¼ and the E ½ of S W ¼ of 4.
237	St. Mathe, Jean Baptiste			5	3 E	S W ¼ and the S ½ of N W ¼ of 14.
238	" Marguerite			5	4 E	S E ¼ and the E ½ of S W ¼ of 24.
239	Savoyard, Marie Virginie	27th June,	1861	7	3 E	S W ¼ and the S ½ of S E ¼ of 3.
240	" Toussaint	23rd January,	1863	6	3 E	S W ¼ and the S ½ of N W ¼ of 16.
241	" Philomène	20th April,	1870	6	4 E	N E ¼ of 14 and the W ½ of N W ¼ of 13.
242	" Joseph	28th April,	1870	5	4 E	S E ¼ of 11 and the W ½ of S W ¼ of 12.
243	St. Mathe, Alexandre			7	3 E	N W ¼ and the N ½ of N E ¼ of 14.
244	" André	20th March,	1860	7	3 E	N E ¼ of 12 and the S ½ of S E ¼ of 13.
245	" Martin	19th April,	1862	5	4 E	Legal subdivision 1, lying South and West of Rat River, and legal subdivisions 2, 3 and 4 of 32, and legal subdivisions 1 and 2 of 31.
246	" Napoleon	16th April,	1864	6	4 E	S E ¼ of 22 and the N ½ of N E ¼ of 15.
247	" St. Mathe	29th April,	1867	5	4 E	W ½ of legal subdivision 8, lying west of Rat River, and the S E ¼ of legal subdivision 8, lying east and south of Rat River, and legal subdivisions 5, 6 and 7 of 32, and legal subdivisions 7 and 8 of 31, and legal subdivision 5, lying west and south of Rat River, of 33.

GRANT NO.	NAME	*	LAND DESCRIPTION			PATENT		REGISTRATION			SALE			
			SEC.	TP.	RGE.	YES	NO	YES	NO	CANCELLED	LEGAL	ILLEGAL	AMBIGUOUS	SPECULATION
[redacted]	[redacted]		34	5	4E	x		x			x*			
3423	BEAUDRY, E.J.		31&33	6	4E				x					
[redacted]	[redacted]		36&35	5	3E	x			x					
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]					
[redacted]	[redacted]		27	5	3E	x		x			x			
342*		x												
3428		x												
[redacted]	GENDRON, Adele		35&34	5	3E	x		x			x			
[redacted]	PARENT, Barbara Helene		28	5	3E	x		x			x			
[redacted]	[redacted]		30	5	3E		x		x					
[redacted]	[redacted]		30	5	3E				x				x	
[redacted]	[redacted]		19&30	5	3E				x					
[redacted]	[redacted]		14&24	5&5	2E&3E	x			x				x	
3435	HAYDEN, Ray		19&30	5	3E	x		x			x			
3436	HAYDEN, John		1	6	3E				x					
3437	MONTREUILLE, Caroline		19&30	5	3E	x		x			x			
3438	BLANCHARD, Sidley		25	7	3E				x					
3439	CHARTRAND, Pierre Jr.		36&25	7	3E	x			x					
3440	LeBLANC, Cornelius		21&30	5	3E	x		x			x			
3441	BURNS, Philomene		21	6	4E	x			x					
3442	ST-PIERRE, Martin		33&31	5	3E	x		x			x			
* GRANT CANCELLED														
carried from page No.														
TOTAL														

GRANT NO.	NAME	*	LAND DESCRIPTION			PATENT		REGISTRATION			SALE			
			SEC.	TP.	RGE.	YES	NO	YES	NO	CANCELLED	LEGAL	ILLEGAL	AMBIGUOUS	SPECULATION
3443	DONALD, Alfred		9	6	3E				x					
3444	DUBOIS, Marguerite		4	6	3E	x			x					
3445	COULOMBE, Joseph		16	5	4E	x		x			x			
3446	COULOMBE, Albert		33	7	3E	x		x			x			
3447	CHATELAINE, Fanny		23&24	7	3E	x		x			x			
3448	ST-MARIE, Francois		33	6	4E		x							
3449	GOSSELIN, Alexander		28&33	6	4E	x		x			x			
3450	McCURDY, Robert James		1&2	6	3E	x		x			x			
3451	McLEOD, Pierre		36&1	6&7	3E	x		x			x			
3452	BIRD, Mary		2	6	3E	x		x			x			
3453	HEATH, Ellen C.		21&28	5	3E	x			x					
3454	ANDERSON, Johan		20&17	14	4E	x		x			x			
3455	JOHNSTON, William		25	4	6E				x					
3456	OLSEN, Elizabeth		30	13	1W	x			x					
3457													x	
3458			32	11	9W								x	
3459	SANDERS, David		27&32	12	3E				x					
3460	COLDWELL, Mary		26	12	1E	x		x			x			
3461	COLDWELL, George		21	12	1E	x		x			x			
3462	BOIVERT, Marie V.		36&25	12	1W				x					
3463	MUIR, James		6	13	3E	x		x			x			
* GRANT CANCELLED														
carried from page No.														
TOTAL														

TURTLE MOUNTAIN INDIANS.

. . . of the Turtle Mountain band of Chippewa Indians, October 1, 1892, etc.—**Cont'd.**

MIXED BLOODS ON RESERVATION—Continued.

Indian name.	Sex.	Relation.	Age.
150.			
Laverdure, Pierre	Male	Father	63
Angelic	Female	Wife	43
Stanislaus	Male	Son	17
Isadore	...do	...do	15
Michael	...do	...do	13
Isabel	Female	Daughter	11
Margaret	...do	...do	7
Adele	...do	...do	6
Pauline	...do	...do	4
151.			
Lefort, [illegible]	Female	Wife	24
Maxim	Male	Husband	29
Adele	Female	Daughter	8
Joseph	Male	Son	5
Marie Rose	Female	Daughter	3
152.			
Laverdure, Joseph	Male	Father	65
Mary	Female	Wife	65
Adele	...do	Daughter	17
Napoleon	Male	Son	14
Alexis	...do	Brother	40
153.			
Laverdure, William	Male	Father	24
Mathilda	Female	Wife	24
Joseph	Male	Son	4
154.			
Laquette, Frezine	Female	Widow	70
Joel	Male	Son	6
155.			
Lagemonier, Eliza	Female	Wife	21
Joseph	Male	Husband	26
St. Ann	Female	Daughter	3
156.			
Landry, Margarett	Female	Wife	27
Maxim	Male	Husband	38
Alexander	...do	Son	9
Norbert	...do	...do	7
Caroline	Female	Daughter	4
St. Ann	...do	...do	1½
157.			
Landry, Frances	Female	Wife	27
Norbert	Male	Husband	23
158.			
Landry, Napoleon	Male	Single	24
[illegible]	...do	Brother	18
159.			
Lacerte, Pierre	Male	Father	56
Judith	Female	Wife	53
Marie Pauline	...do	Adopted daughter	7
160.			
Langer, Frank	Male	Father	30
Frances	Female	Wife	23
Francois	Male	Son	3
Angelie	Female	Daughter	1

MICROFILMED FROM
BEST [illegible]

Census of the Turtle Mountain band of Chippewa Indians, October 1, 1892, etc.—Cont'd.

MIXED BLOODS ON RESERVATION—Continued.

No.	Indian name.	Sex.	Relation.	Age.
	161.			
682	Ledeux, Antoine	Male	Orphan (single)	17
	162.			
683	Lafontaine, Octave	Male	Father	37
684	Josephine	Female	Wife	38
685	Virginie	do	Daughter	16
686	Joseph	Male	Son	10
687	Celina	Female	Daughter	8
688	Sabrah	do	do	9
689	Mary L	do	do	6
	163.			
690	Lafontaine, Charlotte	Female	Widow	63
691	Elzeard	Male	Son	23
692	Cuthbert	do	do	25
	164.			
693	Lafournaise, Joseph	Male	Father	30
694	Margaret	Female	Wife	30
695	Moses	Male	Son	7
696	Patrice	do	do	5
697	Domctil Elise	Female	Daughter	5
698	Mary Ann	do	do	3
	165.			
699	Le Rat, Pierre	Male	Father	23
700	Cecilia	Female	Wife	20
	166.			
701	Latraille, Alexander	Male	Father	40
702	Clemence	Female	Wife	36
703	Simon (Godden)	Male	Adopted son	12
704	Frederick	do	do	5
	167.			
705	Lucier, Jossett	Female	Wife	41
706	Alexander	Male	Husband	52
707	Eliza	Female	Daughter	13
708	Rosina	do	do	8
709	Robert	Male	Son	12
	168.			
710	Lafromboise, Joseph	Male	Father	25
711	Mary Rose	Female	Wife	19
	169.			
712	Marion, Ann	Female	Widow	45
713	Roderick	Male	Son	20
	170.			
714	Marion, Elise	Female	Wife	49
715	Maxim, sr	Male	Husband	55
716	Joseph	do	Son	23
717	Louis	do	do	22
718	Elie	do	do	10
719	Beatrice	Female	Daughter	7
720	Mary	do	do	1½
	171.			
721	Malaterre, Rebecca	Female	Wife	23
722	Zachary	Male	Husband	33
723	Zachary	do	Son	11
724	Napoleon	do	do	8
725	Julius	do	do	7

99.

EXHIBIT G-6

LIST OF NAMES, BIRTHS, DATES, AND PARISHES

EARLIEST DATES 1790-5

135 PAGES

Name		Parish	Date of Birth
P. — Continued		Ste Agathe	
Premont (alias Primeau) Etienne		"	Jany 1844
"	Marie	"	July 1846
Parant	Marie Ann	"	17 Oct 1847
Petit	Joseph	"	1 Nov 1848
Perreault	Catherine	Ste Anne	10 Apl 1836
"	Monique	"	4 Mar 1832
"	Annie	"	17 May 1847
Pariseau	Appoline	"	24 Oct 1849
Picard	Joseph	"	6 July 1837
"	Elise	"	10 June 1845
Papin	Marguerite	St Boniface	1844
Parenteau	Suzanne	"	6 Jan 1817
"	Scholastique	"	19 Jan 1834
Plante	Marie	"	Dec 1833
"	Louis	"	May 1837
"	Antoinette	"	Jan 1841
Porter	Sarah	"	13 Dec 1837
Poitras	Madeleine	"	May 1831
"	Francois	"	17 Feb 1825
"	Nancy	"	May 1840
"	Joseph	"	March 1840
Parenteau	Judith	"	Dec 1829 Date of [illegible]
"	Louis	"	1833
Primeau	Baptiste	"	15 June 1841
Poitras (alias Primeau) Marie		"	Dec 1835
Sivoain Poitras		"	2 July 1839 Date of [illegible]

Continued

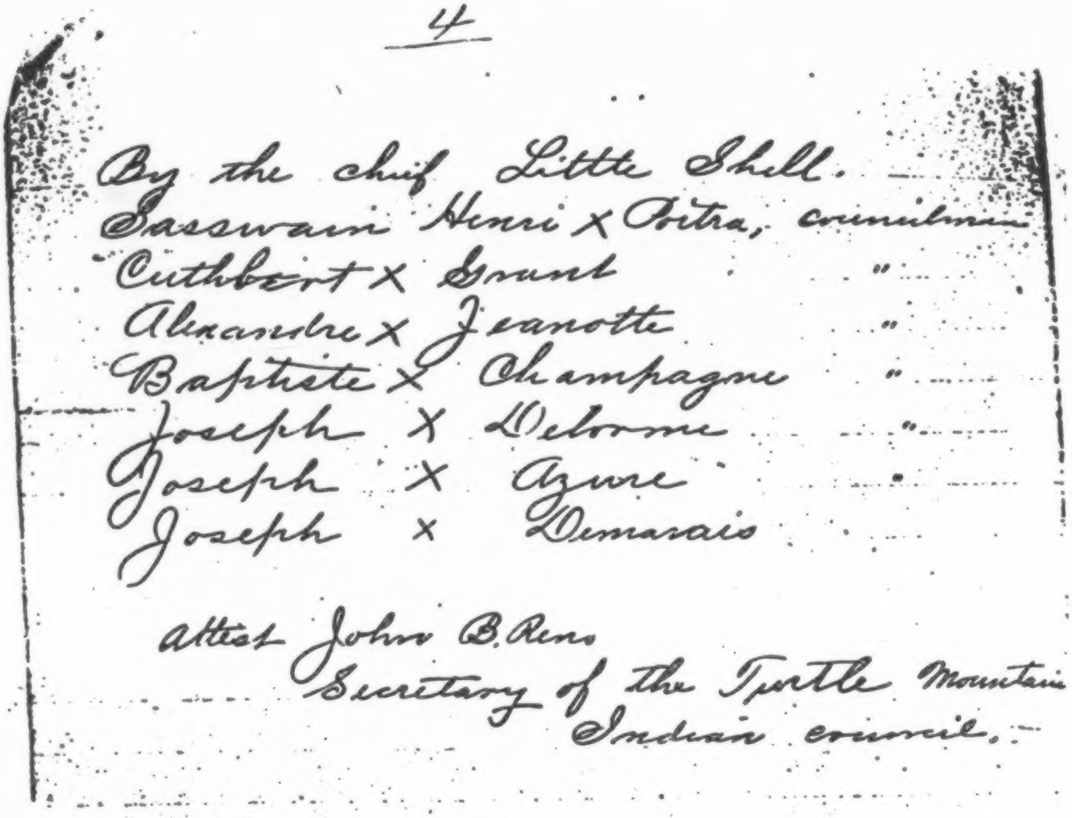
33341 INDIAN OFFICE, Incl. No. 2 189

Letter Augt 15/96
from Turtle Mountain
Indians & J B Bottineau
Giving additional parti-
culars. Names, damages
&c. Enclosed in
my letter of the 22 inst
to Hon Sec of Interior.
J B Bottineau
atty for said Indians

1891

Dismissed Poitra

4



By the chief Little Shell.

Sasswain Henri × Poitra, councilmen

Cuthbert × Grant "

Alexandre × Jeanotte "

Baptiste × Champagne "

Joseph × Delorme "

Joseph × Azure "

Joseph × Demarais

attest John B. Reno
Secretary of the Turtle Mountain
Indian council.

Census of the Turtle Mountain band of Chippewa Indians, October 1, 1892, etc.—**Cont'd.**

MIXED BLOODS ON RESERVATION—Continued.

No.	Indian name.	Sex.	Relation.	Age.
	194.			
814	Poitra, Chasseur	Male	Father	65
815	Catherine	do	Wife	[illegible]
816	Bastien	Male	Son	35
817	Napoleon	do	do	23
818	Philomene Ladeux	Female	Adopted daughter	17
819	Marie Ladeux	do	do	6
820	Delmi Anna Ladeux	do	do	8
	195.			
821	Poitra, Gabriel, sr	Male	Father	69
822	Isabel	Female	Wife	63
823	Norbert	Male	Grandson	8
824	Laura	Female	Granddaughter	7
	196.			
825	Poitra, Charles (No. 1)	Male	Father	25
826	Mary	Female	Wife	17
	197.			
827	Poitra, Charles (No. 2)	Male	Father	60
828	Marie	Female	Wife	39
829	Zachary	Male	Son	21
830	Modest	do	do	19
831	Marie Rose	Female	Daughter	10
832	Alfred	Male	Son	14
833	Elizabeth	Female	Daughter	13
834	Alexander	Male	Son	10
835	Emily	Female	Daughter	7
836	Jules	Male	Son	6
837	Norbert	do	do	3
838	Alfred	do	do	*10
	198.			
839	Parisien, Ignasse	Male	Father	69
840	Margaret	Female	Wife	67
841	Boniface	Male	Son	31
	199.			
842	Parisien, Edward	Male	Father	38
843	Blandin	Female	Wife	39
844	Henry	Male	Son	14
845	Celina	Female	Daughter	13
846	Edward	Male	Son	9
847	Joseph	do	do	8
848	Justine	Female	Daughter	6
849	Elise	do	do	4
850	Louise	Male	Son	3
	200.			
851	Page, Charles	Male	Father	61
852	Mary	Female	Wife	61
853	Pierre	Male	Son	19
854	Baptist	do	do	17
855	Alexander	do	do	11
856	Abraham	do	do	8
857	Louis	do	do	6
	201.			
858	Poitra, Henry	Male	Father	30
859	Mary	Female	Wife	27
860	Joseph	Male	Son	10
861	Celina	Female	Daughter	8
862	Mary	do	do	7
863	Angelia	do	do	3
864	John	Male	Son	*10
	202.			

Census of the Turtle Mountain band of Chippewa Indians, October 1, 1892, etc.—Cont'd.

MIXED BLOODS ON RESERVATION—Continued.

No.	Indian name.	Sex.	Relation.	Age.
	203.			
868	**Pottier**, Jacques	Male	Father	[illegible]
869	Angelie	Female	Wife	[illegible]
870	Marie	Female	Daughter	[illegible]
871	Alex. Victor	Male	Son	[illegible]
872	Bartholomew	do	do	[illegible]
873	Josephine	Female	Daughter	[illegible]
874	Julian	Male	Son	8
	204.			
875	**Pottier**, Baptist	Male	Father	[illegible]
876	Pauline	Female	Wife	[illegible]
877	Cuthbert (Ladeux)	Male	Stepson	[illegible]
878				
879	Joseph (Ladeux)	do	do	[illegible]
880	Ellen	Female	Daughter	[illegible]
881	Jerome	Male	Son	[illegible]
882	Joseph	do	do	[illegible]
883	Amelia	Female	Daughter	[illegible]
884	Rosalie	do	do	[illegible]
885	Clemence	do	do	[illegible]
886	Alexander	Male	Son	1
	205.			
887	**Pepin**, Eugene	Male	Father	[illegible]
888	Sarah	Female	Wife	[illegible]
889	Mary Rose	do	Daughter	[illegible]
890	Mary	do	do	3
891	Isabel	do	do	[illegible]
	206.			
892	**Pottier**, Pierre	Male	Father	[illegible]
893	Jossett	Female	Wife	77
	207.			
894	**Parisien**, David	Male	Father	[illegible]
895	Jossett	Female	Wife	20
	208.			
896	**Pottier**, Paul	Male	Father	[illegible]
897	Louie	Female	Wife	[illegible]
898	Isadore	Male	Son	[illegible]
899	Francois	do	do	[illegible]
900	Robert	do	do	[illegible]
901	Alfred	do	do	[illegible]
902	Mary Rosia	Female	Daughter	[illegible]
903	John Baptist	Male	Son	[illegible]
904	Alexander	do	do	[illegible]
	209.			
905	**Paulet**, Marie	Female	Wife	31
906	Antoine	Male	Husband	[illegible]
907	Alfred	do	Son	[illegible]
908	Virginie	Female	Daughter	[illegible]
909	Jacob	Male	Son	[illegible]
910	Clemence	Female	Daughter	[illegible]
911	Marie	do	do	5
	210.			
912	**Pepin**, Solomon	Male	Father	[illegible]
913	Margaret	Female	Daughter	[illegible]
914	Octavie	do	do	[illegible]
915	Joseph	do	do	[illegible]
916	Mary Vitell	do	do	8
	211			
917	**Poitra**, Joseph 1st	Male	Father	[illegible]
918	Alphonsine	Female	[illegible]	

EXHIBIT H

9 Ind. Cl. Comm. 457

BEFORE THE INDIAN CLAIMS COMMISSION

RED LAKE, PEMBINA AND WHITE EARTH BANDS, ET AL.,
Petitioners,
v.
THE UNITED STATES,
Defendant.

Docket No. 18-A

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS,
Petitioners,
v.
THE UNITED STATES,
Defendant.

Docket No. 113

THE LITTLE SHELL BAND OF CHIPPEWA INDIANS, ET AL.,
Petitioners,
v.
THE UNITED STATES,
Defendant.

Docket No. 191

Decided: October 5, 1961

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to the findings numbered 1 through 56, heretofore made herein:

57. The Treaty date value of the consideration of $635,775.28 paid for the cession of Royce Area 445 was $512,518.43.

The items totaling $1,440.09 are proper offsets.

(h) $4,570.00 - Purchase of livestock

In 1885 the sum of $118.33 was expended from the Osage "Civilization Fund" for the purchase of one yoke of oxen. This item is not a proper offset.

The remaining expenditures in this category were made in 1884, 1885, 1905 and 1908 for the purchase of oxen, horses, and one bull for the Turtle Mountain Chippewas. The representative vouchers in this group reflect that the purchases were for the use of the Turtle Mountain Band of Chippewas. The voucher for the bull purchased for $400.00 on June 30, 1919, stated that it was to be used "for breeding up cattle belonging to Indians" with a notation to charge to support of Turtle Mountain Band of Chippewas, North Dakota, 1919 (Def. Ex. 0-88). The disbursements were made from appropriations for "Support and civilization of Turtle Mountain band of Chippewas."

The expenditures totaling $4,451.67 are proper offsets.

(i) $154,996.95 - Purchase of provisions

Expenditures under this category were made in the years 1884-1888, 1890-1912, 1915-1927, 1929, 1931-1937, 1940 and 1942. The moneys spent came from the following appropriations:

Relief of Turtle Mountain Chippewas and Sioux of Devil's Lake;

Support and Civilization of Indians;

Support and civilization of Turtle Mountain Band of Chippewas;

Support of Indians and Administration of Indian property;

Support of Indians in Arizona and New Mexico. [3/]

The items purchased were large quantities of basic provisions. The Annual Report of the Commissioner of Indian Affairs for 1894 contains, at page 220, the report of the farmer in charge at the Turtle Mountain sub-agency concerning issuance of provisions. He stated:

> "During the fiscal year ending June 30, 1894, the following amount of food supplies were received:
>
> | | | | |
> |---|---|---|---|
> | Beef | 30,000 lbs | Rice | 1,000 lbs |
> | Flour | 100,257 lbs | Sugar | 2,000 lbs |
> | Pork | 20,000 lbs | Tea | 202 lbs |
>
> Rations are issued on the 15th and last of the month, at the rate of 4 pounds of pork and 20 pounds of flour per month to each individual; when beef is given (and this is only in winter), 8 pounds per month is the ration; rice, sugar, and tea are also issued during the winter as long as the supply lasts, retaining some for the sick and old. The full-bloods receive for the whole number of their family, and at every issue. The mixed bloods, not being so absolutely dependent on the Government, and more able to help themselves, are helped only when it is deemed necessary. Rations are given to the widows, old people, men with large families, and such

---

[3/] The $1,000.00 disbursed under this appropriation was authorized by the Commission of Indian Affairs by letter of April 7, 1885, which reads, in part:

> "Referring to your letter of the 11th ultimo, and Office letter to you on the 20th ultimo, granting you authority to expend a sum not exceeding eleven hundred dollars ($1100.00) in the purchase of pork and flour for issue to the Turtle Mountain band of Chippewa Indians, you are informed that upon representation of the Bureau of Catholic Indian Missions as to the starving condition of the Turtle Mountain Indians, authority has been granted for the diversion of the sum of one thousand dollars ($1000.00) to be used as recommended by this Office in the purchase of additional supplies of pork, flour and other subsistence for said Indians, and you are authorized to expend the above amount in addition to the eleven hundred dollars ($1100.00) formerly authorized, for the purchase of additional supplies, if it is deemed necessary by you."

> as have sickness, and such as take an interest in sending their children to school. During the seeding and harvest help is given to such as are engaged in other work.
>
> A limited amount of clothing was also distributed during the winter."

The items purchased were large quantities of basic provisions. These disbursements are proper offsets.

(j) $324,310.12 - Purchase of land

During the years 1942-1944 and 1948-1951 expenditures in a total amount of $324,310.12 were made for purchase of 35,408.12 acres of land. The moneys were expended pursuant to the Act of May 24, 1940 (54 Stat. 219):

> Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to purchase privately owned lands and improvements within and adjacent to the Turtle Mountain Reservation, North Dakota, title to be taken in the United States of America in trust for the Indians of the Turtle Mountain Reservation. For the purpose of making the purchases herein authorized, the Secretary of the Interior is hereby authorized to use any available funds heretofore or hereafter appropriated pursuant to the authority contained in section 5 of the Act of June 18, 1934 (48 Stat. 984): Provided, That title to the land so purchased may, in the discretion of the Secretary of the Interior, be taken for the surface only: Provided further, That lands purchased under this authority shall not be allotted in severalty.
>
> Sec. 2. For the purpose of this Act, the Indians of the Turtle Mountain Reservation shall include the following: (1) All Indians carried on the official census of the Turtle Mountain Reservation as of the date of this Act; (2) all unenrolled Indians who were members of the band or bands which constituted the Turtle Mountain Tribe prior to October 8, 1904, but who failed to apply for enrollment on the roll closed on that date, and their descendants of one-half or

> more Indian blood. The roll of Turtle Mountain Indians as defined in this Act shall be prepared under the direction of the Secretary of the Interior and shall be kept current by striking the names of deceased persons and adding the names of Indians of one-fourth or more Indian blood who are descendants of persons enrolled on said roll: Provided, That Turtle Mountain Indians domiciled in Canada shall not be included.

The purchases were made as follows:

Year Purchased	No. Acres	Amount
1942	13,076.66	$124,234.22
1943	12,212.56	105,730.14
1944	8,309.81	71,577.76
1948	160.00	2,400.00
1949	600.00	6,000.00
1950	889.09	12,868.00
1951	160.00	1,500.00
Total	35,408.12	$324,310.12

As set forth in the vouchers for the transactions, title was recorded in the name of the United States in trust for the Indians of the Turtle Mountain Reservation (Def. Ex. 0-89(a)).

The Commission finds that the expenditures in this category were made for the benefit of the Turtle Mountain Band of Chippewa Indians. The purchases were made under authority of Section 5 of the Act of June 18, 1934, 48 Stat. 984. These disbursements are proper offsets.

(k) $22,894.82 - Transportation

The items which we have included under this category are the transportation costs for:

Agricultural implements and equipment	$ 834.73
Clothing	913.30
Provisions	18,307.51
Supplies for agricultural aid	2,839.28
Total	$ 22,894.82

Our findings in Finding of Fact No. 60(o) apply equally well to this category. These items are not proper offsets.

64. Defendant claims that during the period from July 1, 1884, to June 30, 1951, it gratuitously expended the sum of $56,240.73 for the benefit of the Chippewa Indians on the Turtle Mountain Reservation. The expenditures in this category include items for which the General Accounting Office reported that the respective vouchers indicate on their face that the disbursements were for items delivered to the Turtle Mountain Reservation or Agency.

The various categories of expenditures are similar to those in Finding of Fact No. 63. Therefore we will not repeat our findings in as great detail where the evidence applies equally to the various items in this section.

The following are the findings of the Commission with respect to each of the categories as set forth by the defendant in this section.

(a) $890.69 - Purchase of field and garden seeds, etc.

During the years 1884, 1930, 1932-1935 and 1937-1938, each inclusive, the above sum was expended from an appropriation for "Support and civilization, Turtle Mountain Band of Chippewas" and from appropriations for "General support of Indians and administration of Indian property."

The items purchased were:

1884	4 bushels of corn
1930	111 3/4 bushels of seed potatoes
1932	1,680 lbs. of clover
1933	100 lbs. of clover
	2 gal. grasshopper poison
1934	50 bushels of wheat
	556 bushels of seed potatoes
1935	3,335 bushels of seed potatoes
	550 pkg. of garden seed

EXHIBIT I

Omitted to fail to make [illegible]

"I omitted to mention in its proper place that after the treaty was signed a written request was prepared by the chiefs of Pembina that the sum of $25,000 be appropriated for the Pembina half-breeds, who had not succeeded in engrafting on the treaty the provisions for their benefit which they had desired." (P. 11.)

"It will be seen by the treaty of October 2, 1863 (13 Stats., 667), above referred to, that the half-breeds of the Red Lake and Pembina bands were not a party to the said treaty. None of them signed it. They are recognized as half-breeds or mixed bloods in Article VIII, which provides: 'In further consideration of the foregoing cession, it is hereby agreed that the United States shall grant to each male adult half-breed or mixed blood who is related by blood to the said Chippewas of the Red Lake or Pembina bands, who has adopted the habits and customs of civilized life, and who is a citizen of the United States, a homestead of 160 acres of land, to be selected at his option within the limits of the tract of country ceded to the United States or any land not previously occupied by actual settlers or covered by prior grants, the boundaries thereof to be adjusted in conformity with the lines of the official surveys when the same shall be made and with the laws and regulations of the United States affecting the location and entry of the same.'"

April 12, 1864, supplemental articles to the treaty of October 2, 1863 (13 Stats., 689), were made at Washington, D. C., Article VII of which provides: "It is further agreed by the parties hereto that in lieu of lands provided for the mixed bloods by Article VIII of said treaty concluded at the Old Crossing of Red Lake River, scrip shall be issued to such of said mixed bloods as shall so elect, which shall entitle the holder to a like amount of land, and may be located upon any of the lands ceded by said treaty, but not elsewhere, and shall be accepted by said mixed bloods in lieu of all future claims for annuities."

(Scrip was issued to 464 Red Lake and Pembina half-breed Chippewas for 160 acres each, aggregating 74,240 acres. See the Public Domain, p. 268.)

The Red Lake Reservation as it is now defined was established by the said treaty of October 2, 1863. It contains about 3,200,000 acres of land, the Indians residing on said reservation numbering about 263 Pembinas and 1,131 Red Lakes. (Statistics 1888.)

Little Shell's band (Pembina) numbered at the council of 1863, 27 Indians, 442 half-breeds; a total of 469 persons.

In 1871 the board of visitors to the Red Lake and Pembina bands at the Chippewa Agency, Minn. (I. O. Report, 1871, p. 687), Report as follows:

"The condition of the Pembina Indians, we regret to report, is deplorable and almost hopeless. They are extremely poor, and owing to the scarcity of game their means of subsistence are scanty and precarious. Although by the joint treaty with the Red Lake Indians they have a claim upon the Red Lake Reservation, the feeling which exists between the two tribes is such that they can gain no advantage from it; they cling with tenacity to their old homes. The Turtle Mountains of Dakota have long been their hunting grounds, and have never been ceded to the United States. They regard these mountains, therefore, as their own, and express a strong desire to have a reservation definitely located for them in that region before white settlers shall further encroach upon them. While the board of visitors recognize the justice of their request, we do not feel that their interests will be permanently secured if it is granted. Such a settlement will remove them still further beyond the reach and influence of the agent. It will deprive them of even the possibilities of schools and of encouragement in agricultural pursuits, and will soon doom them and their children to continued barbarism. If any satisfactory arrangement could be made which would result in their removal to the White Earth Reservation, their real interests would be greatly enhanced. Next to the want of a reservation, the relations of the Pembinas with the half-breeds render their condition deplorable. A multitude of half-breeds having no claim whatever to Government annuities, residents, many of them, of Manitoba, in past years have been enrolled as members of their families. In consequence, the Indians have been robbed yearly of their dues. At the present payment the agent succeeded in reducing the roll by excluding half-breeds unlawfully enrolled from 987 of the previous year to 847. Many half-breeds succeeded, nevertheless, in getting annuities to which they have no claim. * * * One further recommendation of a general nature your board of visitors desire to make, and we regard it of especial importance. We recommend that by purchasing land from the Mississippi Indians, the Government provide for the settlement upon the White Earth Reservation of all Indians and other bands who may be willing to remove thither. We are moved to make this recommendation by the evident importance of concentrating so far and as rapidly as possible all the Chippewas of Minnesota upon a single reserve, because of the size of the White Earth Reservation, it being amply sufficient to furnish farms for all who can be persuaded to locate upon them."

EXHIBIT J

The Turtle Mountain band of Chippewa Indians being duly assembled in General Council on the Turtle Mountain Indian Reservation at Belcourt, Rolette County, North Dakota, pursuant to call made by Chas. L. Davis, Superintendent of Indian School, Fort Totten, North Dakota, and Acting Indian Agent for the Devils Lake Agency, for the purpose of considering an Act of Congress, approved April 21, 1904, which is as follows:

CHIPPEWAS OF NORTH DAKOTA.

Whereas the Turtle Mountain band of Chippewa Indians did on the second day of October, eighteen hundred and ninety two, enter into an agreement with the United States through the commissioners of the United States duly appointed for that purpose, and ?

Whereas it is deemed for the best interests of the said Indians that the said agreement be in some respects modified and amended, it is hereby enacted that said agreement be amended so as to read as follows

ARTICLE 1. The friendly relations heretofore existing between the Turtle Mountain band of Chippewa Indians and the United States ? shall be forever maintained.

ARTICLE 2. The Turtle Mountain band of Chippewa Indians in consideration of the covenants and stipulations hereinafter contained do hereby cede, alienate and convey to the United States all the claims, estate, right, title and interest of the Turtle Mountain band of Chippewa Indians, or any of them as members of said band of Indians ? in and to all lands, tenements and hereditaments situate, lying and being in the State of North Dakota, excepting and reserving from this conveyance, for the purposes mentioned in Article 3 hereof, that tract of land particularly mentioned and set apart by an Executive order of the President of the United States bearing date the third day of June, anno Domini eighteen hundred and eighty four, to which reference is hereby had for more particular description, the said reserve being twelve miles in length and six miles in breadth and now occupied as a reservation by the Turtle Mountain band of Chippewa Indians.

It being expressly stipulated that the land now occupied and used for school, church and government purposes shall be so held at the pleasure of the United States and may with the approval of the Secretary of the Interior of the United States be patented when the interest of the United States, the Indians thereon, or the efficient school conduct requires. The Secretary of the Interior may, as occasion requires, set apart other land in said reserve for school and other public uses.

ARTICLE 3. The land, woods and waters above reserved for the Turtle Mountain band of Chippewa Indians, subject to the stipulations contained in Article 2, of this treaty and agreement, shall be held as the common property of the Turtle Mountain band of Chippewa Indians; and it is agreed that the United States shall, as soon as it can conveniently be done, cause the land hereby reserved and held for the use of the Turtle Mountain band of Chippewa Indians to be surveyed, as public lands are surveyed, for

Senator **Andrews.** Our next panel is one person, but he can talk well enough for a whole panel.

He is Louis LaFountain, chief of the Pembina Chippewa Indians at Belcourt, N. Dak.

He also comes from Belcourt, N. Dak. We appreciate his taking the time and effort to come back to Washington to testify on S. 1735.

Please share your thoughts with us.

STATEMENT OF LOUIS F. LaFOUNTAIN, CHIEF, PEMBINA CHIPPEWA INDIANS, BELCOURT, N. DAK.

Mr. **LaFountain.** Thank you, Mr. Chairman.

As chief of the Pembina Nation, I am very much honored to be here with this committee.

I would ask that my prepared testimony be placed in the record.

Senator **Andrews.** Without objection, so ordered.

Mr. **LaFountain.** I feel as chief of the Pembinas that the bill is not quite what it should be. S. 1735 challenges all the Pembinas to be of lineal descent, one-fourth blood, but they do not challenge the Turtle Mountain Band.

The Turtle Mountain Band is not challenged. They could only be a one-sixteenth blood. They do not even have to belong to any part of the Pembinas. They could live across the ocean or in Canada and their residency is not challenged, but the Pembinas are challenged very much. As chief of the Pembinas I do not think this is fair.

It took 27 years to finally come up with this award. The Pembina Chippewa were not represented by proper lawyers in all of these cases. The Bureau of Indian Affairs has denied the Pembina Chippewas the proper representation in any of these hearings or cases.

The judge finally got tired of hearing the same thing over and over for 27 to 30 years. The judge finally awarded the Pembina Chippewas the award.

Now the Turtle Mountain Band comes in and they want to claim the whole thing, actually. They want to push the Pembinas aside.

I, as the chief of the tribe, do not feel that this is fair. Why cannot these Turtle Mountain members be challenged to at least one-fourth Pembina Chippewas blood? That is the same way the Pembina Chippewas are being challenged.

We were not represented in all of these cases, but now we are represented by some very good lawyers.

I think that we will have to straighten out a few of these things, especially concerning the Turtle Mountain Band.

As a Pembina, I am considered as a non-Indian, that is, as a white man by the Turtle Mountain Band. I do believe that there are more white men in the Turtle Mountain membership and colored people who do not have even an ounce of Indian blood. But they want to push my Pembinas aside.

Otherwise, as I see it, the bill is very good except in that challenge of the Pembina Chippewa. There is no challenge there for the Turtle Mountain members. As I said before, they could live in Canada or across the ocean or in Alaska. Their residency is not challenged. Their blood quantum is not challenged.

For this time, I regret to say that we, as Pembinas, are dissatisfied with the bill, but it is only that certain part of the bill where they do not challenge the Turtle Mountain Band. We wish to see them challenged the same as the Pembinas are challenged.

I thank you, Senator.

Senator ANDREWS. Thank you very much.

Let me assure you that the committee will work with you and others to make sure that this bill is as fair as we can make it. We also will be asking the BIA to check out the questions regarding tribal enrollment that you and others have raised.

You know the ways that Washington works. You were here for a great many years under Senator Young. You know better than anyone else that this bill undoubtedly will be amended. Let me assure you that our staff will contact you before any such action is taken.

It is good to have you here and it is good to see you again. I want to thank you for your testimony.

[The prepared statement follows:]

PREPARED STATEMENT OF CHIEF LOUIS F. LAFOUNTAIN, PEMBINA CHIPPEWA INDIANS

It is a privilege for me to appear before the Honorable Committee and I wish to make it very clear to the Committee of the opposition of the Pembina Chippewa Indians of Belcourt, North Dakota, to S. 1735.

We feel the Bill is very inadequate, for the reason that it deprives the Pembina Chippewa Indians of all mineral interests and right in and under the lands for which this award is made.

We are very much aggrieved and would very much miss our Tribal fishing and hunting rights, for upon the passage of this Bill, both native, original rights would be taken away from us.

Lastly, we find the Bill very inequitable as it omits interest on the moneys awarded to the Pembina Chippewa Indians.

I have not gone into the full merits of all three points of opposition to S. 1735, as I know this Committee's time is quite valuable, but I certainly do wish to make it clear that this Bill, as we view it and for the reasons stated herein, is very inequitable to our people.

Dated this 17th day of June, 1982.

Senator ANDREWS. We will next hear from the tribal chairman, Richard LaFramboise, Turtle Mountain Band of Chippewa Indians, Belcourt, N. Dak.

We welcome him.

For those of you who were not here on Tuesday, the chairman testified on the tribally controlled community college bill, of which I am a cosponsor. He did a great job. I am looking forward to hearing what he has to say on this bill.

Welcome again to the committee. You may proceed.

STATEMENT OF RICHARD J. LaFRAMBOISE, TRIBAL CHAIRMAN, TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS, BELCOURT, N. DAK.

Mr. LAFRAMBOISE. Thank you, Mr. Chairman.

Senator, because of the complexities, and because of the numerous statements that tend to become distorted over years and over time, and especially over such a complex area as a treaty and the distribution of those awards, I would at this time request that I could read the testimony which I have tried to put together as legally and as technically as possible.

Then I would answer those questions which remain.

Senator **Andrews**. Certainly, as the elected chairman, we welcome you here. We are most interested in what you have to say about the distribution of this award.

Mr. **LaFramboise**. At this time, I will read my testimony, as prepared, since most people have brought tape recorders so they can bring it back to our reservation people to hear what people came here to say. A lot of people back home cannot read, but they certainly can hear what people say.

Senator **Andrews**. I understand the importance of that. We are very happy to have you do it that way. The reason we are holding these hearings, as I might point out, is to make sure that the Indian people back home can be assured that their viewpoints are brought before this committee as we work out the details of this bill that affects them and their descendants so vitally.

The important thing, of course, is to make sure that the viewpoints are made a part of the record. For them, to be able to hear your words as you have testified, as their elected chairman, is extremely important.

Mr. **LaFramboise**. At this time, I will begin, Senator.

Senator, I wish to take this opportunity to thank the Senate select committee for arranging this hearing. I am Richard J. LaFramboise, tribal chairman of the Turtle Mountain Band, the petitioner in docket 113, of the Indian Claims Commission.

The Indian Claims Commission was duly enacted by Congress to carry out claims on behalf of Indian tribes and their members.

Today, I come before you to testify on Senate bill 1735 which sets forth the distribution of said funds appropriated March 25, 1980, in satisfaction of an award to the Turtle Mountain Band and others. The award was made for the 1905 value of a large aboriginal tract, over 8 million acres in north central North Dakota, extending to the Canadian border.

By an 1863 treaty, the Pembina Chippewa ceded the lands in the Red River area immediately to the east of the lands involved in the present claims award.

Congress established the McCumber Commission to acquire the unceded Pembina lands west of the Red River areas. After considerable confusion, an agreement between the Federal Government and the Pembina Chippewas was made on October 22, 1892. It became known as the Ten-Cent Treaty.

There is a typographical error there in the testimony.

Senator **Andrews**. Do not worry about that. We are used to that in Washington, Mr. Chairman. You should see what the BIA sends us.

Mr. **LaFramboise**. I can imagine.

It was known as the Ten-Cent Treaty since about 10 cents an acre was paid for 10 million acres. It must be made clear that it was not a treaty since the treatymaking process ended in 1871.

It appears to me that the agreement was an unconscionable agreement as to the price paid.

We are not here to fight the award. However, we must stipulate that in accepting this award, we do so under protest of the amount, in that the area involved consists of some of the finest farmland in this country along with numerous oil and gas deposits.

Senator **Andrews.** Mr. Chairman, I am sure you and your people understand that the amount of that award in no way is set by this Senate committee or any other congressional group. The size of that award was set solely by the courts. We have no jurisdiction whatsoever over that. The sole jurisdiction we have is how the award set by the courts will be distributed.

Mr. **LaFramboise.** Yes.

At this time, the reason for the insertion here is so that the testimony can be before you people considering some of the statements that the other people have made concerning how the courts carried out their best interest for the Indians.

Senator **Andrews.** That is right; but as far as the dollar amount, we have no jurisdiction whatsoever over that.

Mr. **LaFramboise.** Yes; we are not questioning that.

To delay the distribution of award funds at this date would be a total injustice to those people who have thought of the treaty or "LePay" as an object of hope for 80-odd years.

The amount of money to many elder citizens is irrelevant and is but a moral victory, and a point of contention well taken. However, to the younger and more educated descendants, it is taken as a perpetuation of the long line of minimal interest in which the U.S. Government has exuded in protecting another of its trustees.

The present-day occupants of the Turtle Mountain Reservation are descendants of what has been denominated the "American Pembina Chippewa Group."

I refer to *Turtle Mountain Band of Chippewa Indians* v. *United States* 490 F.2d 935—Ct. Cl, 1974.

This group was an amalgam of the Pembina, Turtle Mountain, and Little Shell Bands of Chippewa Indians.

These bands came to occupy the present Turtle Mountain Reservation through a series of 19th century treaties and executive orders. The following is a discussion of those treaties and pronouncements.

When first contacted by white explorers, Chippewa Indians were located in the area of the Great Lakes. In the early 1700's, they began pushing their way westward across Minnesota. By the early 1800's, the Pembina and Red Lake Bands of Chippewa occupied and used a vast expanse of territory in northern Minnesota and North Dakota.

The bands in central North Dakota modified their woodlands culture and began pursuing the buffalo herds of the Northern Plains. One of the main hunting grounds of the bands was west of the Red River and north of Devils Lake and areas which include the present-day Turtle Mountain Reservation.

I would ask that the Sweet Corn Treaty attached to my testimony be placed in the record.

Senator **Andrews.** Without objection, so ordered.

Mr. **LaFramboise.** An early treaty involving these, as well as other Chippewa Bands, was the 1825 Treaty of Prairie du Chien. I refer here to 7 Stat. 292. In this treaty, the United States ratified agreements between several Indian tribes. The Sioux and Chippewa Tribes promised "a firm and perpetual" peace between themselves and a boundary was set between Chippewa lands on the north and Sioux lands on the south.

The United States agreed to recognize these boundaries and no tribe was to hunt in the territory of another without permission. This is from the Treaty of Prairie du Chien, article 13.

The line between the Sioux and Chippewa extended through Wisconsin and divided Minnesota roughly in half ending at a point where Goose Creek meets the Red River, a point halfway between Fargo and Grand Forks. The line did not extend into North Dakota.

Between 1837 and 1855 various Chippewa Bands, not including the Pembina and Red Lake Bands, extended into cession treaties with the United States. See the treaty of July 29, 1837, with Mississippi and Lake Superior Bands, 7 Stat. 536; treaty of August 2, 1847, with the Mississippi and Lake Superior Bands, 9 Stat. 904; treaty of August 21, 1847, with the Pillager Band, 9 Stat. 908; treaty of September 30, 1854, with the Mississippi and Lake Superior Bands, 10 Stat. 1109; treaty of February 22, 1855, with the Mississippi, Pillager, and Lake Winnebigoshish Bands, 10 Stat. 1165. These treaties dealt with large areas in Wisconsin and most of north central and northeastern Minnesota.

In 1851, Alexander Ramsey, Governor of Minnesota Territory, negotiated a treaty with the Pembina and Red Lake Chippewa for a relinquishment of their lands on both sides of the Red River. Congress, however, did not ratify this treaty. It was not until October 2, 1863, that Governor Ramsey was able to negotiate another treaty for the cession of these lands. This treaty was ratified by Congress. I refer to the treaty of October 2, 1863, 13 Stat. 667.

The land ceded by the bands is in area 51. The lands are in northwestern Minnesota and northeastern North Dakota.

I have a map attached to my testimony which I would ask be placed in the record.

Senator ANDREWS. Without objection, so ordered.

Mr. LAFRAMBOISE. In his report on the treaty, Governor Ramsey noted that the Red Lake Indian retained unceded lands east of area 51 and Red Lake in Minnesota and that the Pembina Bands retained lands west of area 51 embracing the favorite pastures of the buffalo, an area west and northwest of Devils Lake in North Dakota.

After the 1863 treaty, Pembina Chippewa continued to live on the lands west of the cession. In the 1870's, some moved to the White Earth Reservation in Minnesota, but many remained in north central North Dakota.

In the late 1800's, the pressure of white settlement increased in the lands west of area 51. In response, an Executive order was issued in 1882 that set aside a reservation for the Turtle Mountain Band. The reservation was in the band's unceded aboriginal area. The 1882 Executive order reservation is marked as such on the attached map.

Two Executive orders in 1884 reduced the 1882 area to its present size and location. The area of the present reservation as set aside in the June 3, 1884, Executive order is marked as such on the attached map. The Federal Government realized, however, that the Chippewa still had a valid claim to the lands west of area 51.

Under authority of the act of July 13, 1892, see 27 Stat. 139, a commission headed by P. J. McCumber was appointed to negotiate with the Turtle Mountain Band of Chippewa Indians for a cession of their interest in their lands in North Dakota except the land reserved on June 3, 1884.

An agreement was concluded in 1892; Congress approved of the agreement with amendments in 1904. I refer here to the McCumber Commission Agreement, 33 Stat. 194. The amendments were approved by the tribe in 1905. The aboriginal land bargained for by the Turtle Mountain Band in the McCumber agreement is in area 52 on the attached map.

You have heard testimony of similar nature from others here today. One thing is in common; the land was taken from the Indians and a compensation was to ensue. The amount has been handled by the U.S. Treasury and the U.S. Land Claim Commission, a somewhat conflicting interest two-party agreement.

Those who have represented us have been paid but yet the real Indian or interested party is yet to benefit from the continued controversy.

I submit that in the well meaning of Senator Andrews and present day humanitarians, something must be done. Senate bill 1735 is the answer to a moral victory to a principle well taken by the Turtle Mountain Band for the distribution of something long waited for.

The tribe is of the opinion that the enrolled members that have applied be very closely scrutinized to meet the one-fourth degree Pembina enrollment under section 6(5)(a) (i), (ii), (iii), that the Bureau work with a committee appointed by the tribe to assist the Bureau in screening the Pembina descendants as stipulated above, in order for a fair mannered per capita disbursement to eventuate.

The tribe is also of the opinion that the 20-percent portion be invested in trust for the benefit of its members by way of administration, and development of social and economic progress.

It is also the opinion of the tribe that the proposed $5,000 utilization in today's complex economy be waived with approval of the Secretary upon good evidence presented in the best interest of the tribe for it will cost more than $5,000 to have a referendum vote on a matter involving more than 5,000 in an inflated non-Indian money-plagued economy.

Some of the latter comments are a little confusing, Senator, and a little conflicting to some of the statements made today.

As the Bureau testified to the descendants of the Turtle Mountain Band, it is my knowledge that the Bureau in 1940 was given the direction to keep enrollment of the Turtle Mountain Band. They were to keep the enrollments within accordance to determining eligibility of the membership of the Turtle Mountain Band. They were to use the requirements under section 5(a) (i), (ii), (iii), along with the 1941 roll as to what they have been using to determine eligibility at Turtle Mountain.

My contention as the chairman is that the people who have lived in this area are Pembina Chippewa Indians. They are Indians who have begun in the Pembina area. They have moved westward.

The semantics that have been used as to what type of Pembina and whether they be a real enrollee Pembina or whether they be a Pembina under the Little Shell group, or whether they be a Pembina under the Canadian group or a non-Canadian group, but if he is a member and he qualifies under those guidelines which the Bureau has set forth, and if he can present that he is one-fourth Pembina Chippewa, then that is the status in which the Pembina Mountain Tribe is to recognize those eligible for the awards under S. 1735.

I thank you, Senator.

Senator **Andrews**. We thank you for your statement on behalf of the people of the tribe, speaking as their official spokesman.

You also suggested those members of the Turtle Mountain group who are one-quarter Pembina Chippewa share in this award.

Is there a tribal resolution on this subject?

Mr. **LaFramboise**. We met on Saturday and we did not enter into a resolution on that matter, but we can have one for you.

Senator **Andrews**. If you do have an official resolution of the tribe, it would be helpful to the committee to have it. We would appreciate a copy of such duly enacted resolution.

Mr. **LaFramboise**. Certainly.

Senator **Andrews**. Without objection, so ordered.

[The document follows:]

RESOLUTION NUMBER 2833-07-82 OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

WHEREAS, the Turtle Mountain Band of Chippewa Indians, hereinafter referred to as the Tribe, is an unincorporated Band of Indians acting under a revised Constitution and By-laws approved by the Secretary of the Interior on June 16, 1959, and amendments thereto approved April 26, 1962 and April 3, 1975; and

WHEREAS, the U.S. Court of Claims on March 18, 1980, issued a "partial judgement" in the amount of $47,376,622.93 to plaintiffs in Dockets 113, 246, 191 and 221 originally filed with the Indian Claims Commission; and

WHEREAS, in order the distribute the award per capita, the Tribe has mandated that in order the be eligible to receive such per capita, the individual must be at least 1/4 Pembina; now

THEREFORE BE IT RESOLVED that in order the be eligible for per capita under Docket numbers 113, 246, 191 and 221 for the use and distribution of funds to be awarded the Pembina Chippewa Indians, an individual must possess at least 1/4 Pembina.

CERTIFICATION

I, the undersigned Secretary/Treasurer of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of nine (9) members of whom eight (8) constituting a quorum were present at a meeting duly called, convened, and held on the 1st day of July, 1982, that the foregoing resolution was adopted by an affirmative vote of seven (7) in favor; with the Chairman not voting.

Jolean Peltier

Jolean Peltier, Secretary-Treasurer

CONCURRED:

Richard J. LaFromboise, Tribal Chairman

Senator **Andrews**. You also heard the BIA witnesses state that this change will make the enrollment more difficult for the BIA and thus take more time.

They also said this change will hold up the distribution of the moneys; that is, hold it up while they are repreparing the rolls.

Knowing how the BIA works, that is, in the bowels of that outfit, I am wondering if you have any suggestions on behalf of the tribe. You are a lawyer. I am wondering how this could be speeded up so that change would not take an inordinate length of time. Do you have any suggestions that you could share with us that we could then pass on to the BIA?

If we decide, because everyone here today seems to have suggested it, that we put that there must be one-quarter Pembina blood in the bill, do you have any suggestions as to how the BIA might expedite that type of finding and that determination of a new roll?

Mr. **LaFramboise**. Yes; I do. As you are well aware, the Bureau has been compiling a descendancy roll since somewhere around 1973 on the so-called smaller award. They are almost to the point of completion on that. I am very glad that we are not starting all over on a new award.

However, as to the descendancy that they have there, they have made everyone eligible. On the larger award, there is a question as to the Pembina.

With the files that they have completed, they have had to take people from small cards from throughout the ancestry of the different members of the tribe. They have put them all on what is called a family tree. All it will take is a survey of that family tree of each one of those 19,000 people, so-called as they are enrolled, to see if they are a member or fulfill the one-quarter degree as to the four different areas of enrollment.

They are the 1941 rolls, the 1892 McCumber Treaty, and the 1863 treaty.

With the help of a tribal council appointed committee, I believe if the Bureau were anxious, as we are, to get this completed, then I would not see anything more than 6 to 8 months of being able to determine that.

Senator **Andrews**. The tribal council appointed committee would be willing to work with the BIA on this?

Mr. **LaFramboise**. Yes; I think they would work very studiously because they have something to gain in return.

Senator **Andrews**. That is very true.

I appreciate your testimony very much. It is most important to us. It will be helpful as we iron out the details in this bill.

The documents you have submitted will be made part of the record at this point.

[The documents follow:]

THE SWEET CORN TREATY

Ex. Doc. H.R. 229, 52d Cong. 2d Sess., Rept. Turtle Mountain Indian Commission, pp. 19-20.

Agreement Sioux and Chippewa as to north boundary Sioux land and South boundary of Chippewa lands in North Dakota, undated, but made according to the report of the Turtle Mountain Commission more than 50 years prior to 1892.

"We, Ojoupay (Sweet Corn, son of Ojoupay), second chief of the Sisseton and Yankton tribe of Dakotas, and Wahnatah (He-who-rushes-on), son of Wahnatah, first chief of the Sisseton and Yankton tribes of Dakotas, do hereby declare that we intend to abide by the articles of the treaty entered into by our fathers, represented by Chief Wahnatah with the Chippewas, represented by Chief Emay-das-kah (Flat Mount) at Prairie duChine, about thirty-three years ago, by which treaty the boundary line dividing the lands of the two nations (the Chippewas and Dakotas) was established and agreed upon.

"We further declare that it is within our recollection that after the above treaty was agreed upon the boundary line has ever been known to us and our people to have been as follows: Commencing at the mouth of the River Wahtab, thence ascending its course and running through Lake Wahtab; from thence taking a westerly course and passing through the fork of Sauk River; thence running in a northerly direction through Otter Tail Lake and striking the Red River at the mouth of Buffalo River; thence following the course of the Red River down to the mouth of Goose River; thence ascending the course of Goose River up to its source; then taking the due westerly course and passing through the center of Devil's Lake; after leaving the lake continuing its westerly course to Maison du Chine; from thence taking a northwesterly direction to its terminus at a point on the Missouri River within gunshot sound of Little Knife River."

Treaty between the United States and the Red Lake and Pembina Bands of Chippewa Indians; concluded in Mimmesota, October 2, 1863; ratified by the Senate with Amendments, March 1, 1864; amendments assented to, April 12, 1864; proclaimed by the President of the United States, May 5, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENT SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between Alexander Ramsey and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Warriors of the Red Lake and Pembina Bands of Chippewa Indians, on the part of said Bands, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:--

ARTICLES OF A TREATY made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their Commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their Chiefs, Headmen, and Warriors.

ARTICLE I. The peace and friendship now existing between the United States and the Red Lake and Pembina bands of Chippewa Indians shall be perpetual.

ARTICLE II. The said Red Lake and Pembina bands of Chippewa Indians do hereby cede, sell, and convey to the United States all their right, title, and interest in and to all the lands now owned and claimed by them in the State of Minnesota and in the Territory of Dakota within the following described boundaries, to wit: Beginning at the point where the international boundary between the United States and the British possessions intersects the shore of the Lake of the Woods; thence in a direct line south-westwardly to the head of Thief River; thence down the main channel of said Thief River to its mouth on the Red Lake River; thence in a south-easterly direction, in a direct line towards the head of Wild Rice River, to the point where such line would intersect the northwestern boundary of a tract ceded to the United States by a treaty concluded at Washington on the twenty-second day of February, in the year eighteen hundred and fifty-five, with the Mississippi, Pillager, and Lake Winnebigoshish bands of Chippewa Indians; thence along the said boundary line of the said cession to the mouth of Wild Rice River; thence up the main channel of the Red River to the mouth of the Shayenne; thence up the main channel of the Shayenne River to Poplar Grove; thence in a direct line to the Place of Stumps, otherwise called Lake Chicot; thence in a direct line to the head of the main branch of Salt River; thence in a direct line due north to the point where such line would intersect the international boundary aforesaid; thence eastwardly along said boundary to the place of beginning.

ARTICLE III. In consideration of the foregoing cession, the United States agree to pay to the said Red Lake and Pembina bands of Chippewa Indians the following sums, to wit: Twenty thousand dollars per annum for twenty years; the said sum to be distributed among the Chippewa Indians of the said bands in equal amounts per capita, and for this purpose an accurate enumeration and enrollment of the members of the respective bands and families shall be made by the officers of the United States: Provided, That so much of this sum as the President of the United States shall direct, not exceeding five thousand dollars per year, may be reserved from the above sum, and applied to agriculture, education, the purchase of goods, powder, lead, &c., for their use, and to such other beneficial purposes, calculated to promote the prosperity and happiness of the said Chippewa Indians, as he may prescribe.

ARTICLE IV. And in further consideration of the foregoing cession, and of their promise to abstain from such acts in future, the United States agree that the said Red Lake and Pembina bands of Chippewa Indians shall not be held liable to punishment for past offences. And in order to make compensation to the injured parties for the depredations committed by the said Indians on the goods of certain British and American traders at the mouth of Red Lake River, and for exactions forcibly levied by them on the proprietors of the steamboat plying on the Red River, and to enable them to pay their just debts, the United States agree to appropriate the sum of one hundred thousand dollars; it being understood and agreed that the claims of individuals for damages or debt under this article shall be ascertained and audited, in consultation with the chiefs of said bands, by a commissioner or commissioners appointed by the President of the United States, and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs. Furthermore, the sum of two thousand dollars shall be expended for powder, lead, twine, or such other beneficial purposes as the chiefs may request, to be equitably distributed among the said bands at the first payment.

ARTICLE V. To encourage and aid the chiefs of said bands in preserving order and inducing, by their example and advice, the members of their respective bands to adopt the habits and pursuits of civilized life, there shall be paid to each of the said chiefs annually, out of the annuities of the said bands, a sum not exceeding one hundred and fifty dollars, to be determined by their agents according to their respective merits. And for the better promotion of the above objects, a further sum of five hundred dollars shall be paid at the first payment to each of the said chiefs to enable him to build for himself a house. Also, the sum of five thousand dollars shall be appropriated by the United States for cutting out a road from Leech Lake to Red Lake.

ARTICLE VI. The President shall appoint a board of visitors, to consist of not less than two nor more than three persons, to be selected from such Christian denominations as he may designate, whose duty it shall be to attend at all annuity payments of the said Chippewa Indians, to inspect their fields and other improvements, and to report annually thereon on or before the first day of November, and also as to the qualifications and moral deportment of all persons residing upon the reservation under the authority of law; and they shall receive for their services five dollars a day for the time actually employed, and ten cents per mile for travelling expenses: Provided, That no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel.

ARTICLE VII. The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of spirituous liquors in the Indian country, shall be in full force and effect throughout the country hereby ceded, until otherwise directed by congress or the President of the United States.

ARTICLE VIII. In further consideration of the foregoing cession, it is hereby agreed that the United States shall grant to each male adult half-breed or mixed-blood who is related by blood to the said Chippewas of the said Red Lake or Pembina bands who has adopted the habits and customs of civilized life, and who is a citizen of the United States, a homestead of one hundred and sixty acres of land, to be selected at his option, within the limits of the tract of country hereby ceded to the United States, on any land not previously occupied by actual settlers or covered by prior grants, the boundaries thereof to be adjusted in conformity with the lines of the official surveys when the same shall be made, and with the laws and regulations of the United States affecting the location and entry of the same.

ARTICLE IX. Upon the urgent request of the Indians, parties to this treaty, there shall be set apart from the tract hereby ceded a reservation of (640) six hundred and forty acres near the mouth of Thief River for the chief "Moose Dung," and a like reservation of (640) six hundred and forty acres for the chief "Red Bear," on the north side of Pembina River.

In witness whereof, the said Alexander Ramsey and Ashley C. Morrill, commissioners on the part of the United States, and the chiefs, headmen, and warriors of the Red Lake and Pembina bands of Chippewa Indians, have hereunto set their hands, at the Old Crossing of Red Lake River, in the State of Minnesota, this second day of October, in the year of our Lord one thousand eight hundred and sixty-three.

ALEX. RAMSEY,
ASHLEY C. MORRILL,
Commissioners.

MONS-O-MO, his x mark, Moose Dung, Chief of Red Lake.
KAW-WASH-KE-NE-KAY, his x mark, Crooked Arm, Chief of Red Lake.
ASE-E-NE-WUB, his x mark, Little Rock, Chief of Red Lak[e].
MIS-CO-MUK-QUOH, his x mark, Red Bear, Chief of Pembina.
ASE-ANSE, his x mark, Little Shell, Chief of Pembina.
MIS-CO-CO-NOY-A, his x mark, Red Rob, Warrior of Red Lake.
KA-CHE-UN-ISH-E-NAW-BAY, his x mark, The Big Indian, Warrior of Red Lake.
NEO-KI-ZHICK, his x mark, Four Skies, Warrior of Red Lake.
NEBENE-QUIN-GWA-HAWEGAW, his x mark, Summer Wolverine, Warrior of Pembina.
JOSEPH GORNON, his x mark, Warrior of Pembina.
JOSEPH MONTREUIL, his x mark, Warrior of Pembina.
TEB-ISH-KE-KE-SHIG, his x mark, Warrior of Pembina.
MAY-ZHUE-E-YAUSH, his x mark, Dropping Wind, Head Warrior of Red Lake.
MIN-DU-WAH-WING, his x mark, Berry Hunter, Warrior of Red Lake.
NAW-GAUN-E-GWAN, his x mark, Leading Feather, Chief of Red Lake.

Signed in presence of --
PAUL H. BEAULIEU, Special Interpreter
PETER ROY,
T. A. WARREN, U. S. Interpreter.
J. A. WHEELOCK, Secretary.
REUBEN OTTMAN, "
GEORGE A. CAMP, Major 8th Regiment Min. Vol.
WILLIAM T. ROCKWOOD, Capt. Co. K, 8th Regiment Min. Vol.
P. B. DAVY, Capt. Co. L, 1st Regt. Min. M. Rangers.
G. M. DWELLE, 2d Lieut. 3d Minn. Battery.
F. RIEGER, Surgeon 8th Regt. M. Vols.
L. S. KIDDER, 1st Lieut. Co. L, 1st M. M. Rangers.
SAM. B. ABBE.
C. A. KUFFER.
PIERRE x BOTTINEAU

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the first day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:--

IN EXECUTIVE SESSION SENATE OF THE UNITED STATES,
March 1, 1864

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "Articles of a Treaty made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their chiefs, headmen, and warriors," with the following

AMENDMENTS:

In article 4, strike out in lines 19, 20, and 21, the following words: "and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs."

At the end of article 4, insert the following:--
Provided, That no part of the sum of one hundred thousand dollars shall be appropriated or paid to make compensation for damages or for the payment of any debts owing from said commissioner or commissioners shall report each case, with

the proofs thereon, to the Secretary of the Interior, to be submitted to Congress, with his opinion thereon, for its action; and that, after such damages and debts shall have been paid, the residue of said sum shall be added to the annuity funds of said Indians, to be divided equally upon said annuities.

At the end of article 8, insert the following:--

Provided, That no scrip shall be issued under the provisions of this article, and no assignments shall be made of any right, title, or interest at law or in equity until a patent shall issue, and no patent shall be issued until due proof of five years' actual residence and cultivation, as required by the act entitled "An act to secure homesteads on the public domain."

Attest:

J. W. FORNEY, Secretary.

And whereas the foregoing amendments having been fully interpreted and explained to May-dwa-gua-no-nind, Mons-o-mo, Ase-e-ne-wub, Mis-co-muk-quah, Naw-gon-e-gwo-nabe, Que-we-zance, May-zha-ke-osh, Bwa-ness, Wa-bon-e-qua-osh, Te-bish-co-ge-shick, Te-besh-co-be-ness, Osh-shay-o-sick, Sa-sa-goh-cum-ick-ish-cum, Kay-tush-ke-wub-e-tung, I-inge-e-gaun-abe, and Que-we-zance-ish, chiefs, headmen, and warriors of the Red Lake and Pembina Bands of Chippewa Indians, they did, in articles supplementary to this treaty, concluded at the city of Washington, District of Columbia, on the twelfth day of April, one thousand eight hundred and sixty-four, (which articles supplementary have been duly consented to and ratified, and were proclaimed on the twenty-fifth day of April, one thousand eight hundred and sixty-four,) agree and assent to the provisions of this treaty, in an article of the following tenor:--

"ARTICLE I. The said Red Lake and Pembina bands of Chippewa Indians do hereby agree and assent to the provisions of the said treaty, concluded at the Old Crossing of Red Lake River, as amended by the Senate of the United States by resolution bearing date the first day of March, in the year eighteen hundred and sixty-four."

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the first of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty and amendments thereto.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this fifth day of May, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, Secretary of State.

Senator ANDREWS. Let me also point out to all who are present that all the materials furnished to this committee for today's hearing will be made part of the record.

I would also like to point out that Mary Wilson, the chairperson of the Little Shell Band of North Dakota, could not be here today.

She has sent her testimony to us. It will be made part of today's record at this point.

Without objection, so ordered.

[The material supplied by Mary Wilson follows. Testimony resumes on p. 132.]

MEMORANDUM

TO: SENATE SELECT COMMITTEE

FROM: LITTLE SHELL BAND OF NORTH DAKOTA

DATE: MAY 18, 1982

SUBJECT: LITTLE SHELL TESTIMONY CONCERNING BILL S-1735 - FOR HEARING DATED JUNE 17, 1982 - 9:00 A.M. - 12:00 P.M.

1. Turtle Mt. McCumber Agreement - Davis Enrollment - 1904
2. Roe Cloud - census roll - 1940
   Turtle Mt. McCumber Agreement was made up of Canadian decent. 1940 was when the rest of the enrollment was completed of Canadian decents.

   Access to birth certificates are available upon request proving that canadian decendants made up the McCumber enrollment.

   Docket No. 113, dated 7/21/65 - Government findings pages 105 & 107 (copies enclosed)

   Example of McCumber enrollment - Peltier Family birth certificates, marriage license and baptisimal certificates, (copies are enclosed of the Peltier family). Members of this family have served in the Turtle Mt. governing body through the years, and are enrolled members. The certificates and documents enclosed is proof of their ancestory which is canadian decent and are not pembina, but are residing on the land of the aboriginal decendants, holding tribal governing positions and are enrolled as Turtle Mt. members.

   Example #2: Present Tribal Chairman - Edward Allery alias James Edwin Henry, (birth certificate enclosed). He is under the Roe Cloud enrollment dated the late 30's. He was Allery until his father enrolled the family in the Roe Cloud rolls as Henry's.

   Our question is, how can the documents he signed be legal when it is proven he is not using his true name as his signature, and is of canadian decent, as well as a blood relative of the Peltier family.

On the Turtle Mt. tribal enrollment 20,000 Pembina members do not exist. We definitely have proof of this. The Court of Claims awarded it to the "American Pembina's" due to the fact that they were aware of the Canadians enrolled.

Enclosed you will find documents proving the above statement from the book entitled, "Exploitation of Metis Lands". In this book it shows that the Canadians came to the United States and acquired land, as well as holding land in Canada. (Enclosed is a map of the Turtle Mt. Reservation proving the allotments they received), under the allotment act of the McCumber Agreement.

Enclosed are legal documents of proof of the McCumber Agreement; they are:

1. McCumber Agreement and the people that participated, that are Canadian Indians.
2. 1940 - Roe Cloud - Peltier family
3. Copy of letter dated 1/21/59, from BIA Deputy Commissioner W. Barton Greenwood.
4. Turtle Mt. Reservation map showing land allotments of the Canadian Indians.
5. Copy of "Translation of Book #5 of William Davis", stating proof of Canadian ancestory.
6. Upon request - birth certificates are available of the Canadian Indians.

JUL 21 1965

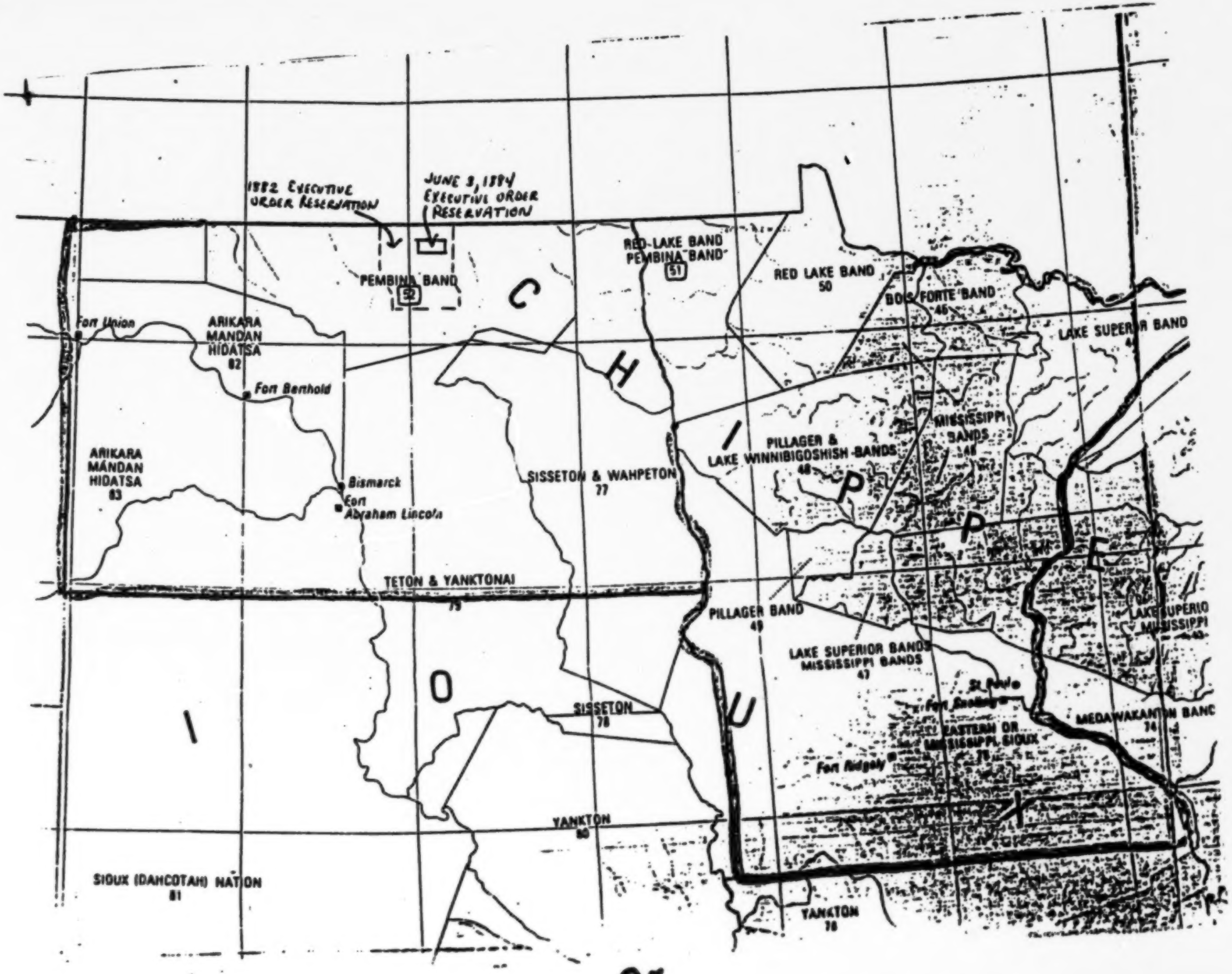
Before the Ind [illegible]

TURTLE MOUNTAIN [illegible]

THE UNITE [illegible]

DEFENDANT'S REQU [illegible] TIONS TO PETITIO [illegible]

WILLIAM D. [illegible]
Attorney for Def [illegible]


1882 EXECUTIVE
ORDER RESERVATION
JUNE 3, 1884
EXECUTIVE ORDER
RESERVATION
PEMBINA BAND
52
RED-LAKE BAND
PEMBINA BAND
51
RED LAKE BAND
50
BOIS FORTE BAND
45
LAKE SUPERIOR BAND
C
H
I
P
P
E
Fort Union
ARIKARA
MANDAN
HIDATSA
82
Fort Berthold
MISSISSIPPI
BANDS
46
PILLAGER &
LAKE WINNIBIGOSHISH BANDS
48
ARIKARA
MANDAN
HIDATSA
83
Bismarck
Fort
Abraham Lincoln
SISSETON & WAHPETON
77
TETON & YANKTONAI
79
PILLAGER BAND
49
LAKE SUPERIOR
MISSISSIPPI
LAKE SUPERIOR BANDS
MISSISSIPPI BANDS
47
St Paul
Fort Snelling
MEDAWAKANTON BAND
74
EASTERN OR
MISSISSIPPI SIOUX
71
Fort Ridgely
I
O
U
X
SISSETON
78
YANKTON
80
SIOUX (DAHCOTAH) NATION
81
YANKTON
78

95

[illegible] right or interest they may have in and to any and land in said State to which they claim title") fully described the Canadian half-breeds (métis), stating that "due to the late Riel rebellion in Canada it is estimated that there were from three to four thousand half-breeds who made their home with this little band of Chippewas," and were at that time (1892) part of the group making claim to the subject area.[421]

Further evidence showing how, when and where the Canadian métis or half-breeds swarmed into the subject area during the 1880's is chronologically set forth in Defendant's Findings 9 and 11 to which reference is here made.

Dr. Howard states that in 1818 and prior thereto the Plains-Ojibway north of North Dakota were a separate band of Ojibway who were culturally and linguistically similar to the Turtle Mountain band of Chippewas, but politically they were distinct and lived in distinct areas; that the people known today as the Turtle Mountain Band of Chippewa Indians are descendants of this separate band of Plains-Ojibway living north of the boundary in Canada.[422]

Defendant strongly disagrees with the above statement for the following reasons:

In their report to the President, dated April 17, 1805, with reference to the location of the Pembina Indians, Lewis and Clark said:[423]

> * * * These people formerly resided on the east side of the Mississippi, at Sand Lake [present Sandy Lake southwest of Duluth, Minnesota], but were induced, by the north west company, to remove, about two years since, to the river Pembina. They do not claim the lands on which they hunt. * * * They do not cultivate, but live by hunting.

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[421] Def. Ex. 41, pp. 2823-24.

[422] Tr. 75, 76.

[423] Def. Ex. 90, p. 110.

called village sites that were supposed to be permanently occupied and used by the petitioners herein:

Number 1, 2 and 3 village sites are located at Pembina, Grand Forks and the mouth of Goose River. All are definitely located outside the subject area in Royce Area 445.

Number 4, Stump Lake is supposedly the location of the Black Duck village. However, we find no documentary evidence to support same. This site is outside the subject area, depending on which description is used to define this subject area.

Number 5, Graham's Island is supposed to be a village site, formerly an island on the north side of Devil's Lake, and listed on Pet. Ex. 1 Map as "Former seat of Little Shell I. Site of battle of Graham's Island (Plains-Ojibway vs. Dakota)." Commissioner Holt asked Dr. Howard to fix the time of occupancy. He replied "Pembina * * * and Graham's Island were occupied from 1800 until—1830's or 40's." We find no documentary evidence to support these statements.

No. 6, Walhalla, North Dakota (formerly St. Joseph) is said to be the site of Plains-Ojibway métis "capital" and jumping-off-spot for many bison hunts. This town is outside the subject area and is located in Area 445. Walhalla is a town in North Dakota. We know of no documentary evidence to support the remainder of said statements. No time is given.

No. 7, Turtle Mountains is said to be the principal wintering area of Turtle Mountain Band. Dr. Howard said they were "occupied from 1800 right on through. It is still occupied by many Plains-Ojibway."[430] We find no substantial documentary evidence to support such statements. To the contrary, we find plenty of substantial evidence to show that the so-called Turtle Mountain Indians did not come into the subject area, other than a few stragglers, until the 1880's and then Louis Riel's métis swarmed into the area looking for Santa Claus.[431] For documentary

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[430] Tr. 80.

[431] Def. Fdgs. 9 and 11.

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CODES
__• ________
__• ________
__• ________
__• ________
__• ________

GREAT-GREAT-GRANDFATHER
TRIBE – Blood degree
GREAT-GREAT-GRANDMOTHER
TRIBE – Blood degree

Baptist Allery
GREAT - GRANDFATHER
TRIBE – Blood degree

GREAT-GREAT-GRANDFATHER
TRIBE – Blood degree
GREAT-GREAT-GRANDMOTHER
TRIBE – Blood degree

GREAT - GRANDMOTHER
TRIBE – Blood degree

John Bte. Allery
GRANDFATHER
TRIBE – Blood degree

Chrysologue Joseph Allery
FATHER
TRIBE – Blood degree

GREAT-GREAT-GRANDFATHER
TRIBE – Blood degree
GREAT-GREAT-GRANDMOTHER
TRIBE – Blood degree

Chrysologue Pelleteir
GREAT - GRANDFATHER
Born 1831
TRIBE – Blood degree
Died at 102 yrs old
1933

GREAT-GREAT-GRANDFATHER
TRIBE – Blood degree
GREAT-GREAT-GRANDMOTHER
TRIBE – Blood degree

Phillimene Furnier
GREAT - GRANDMOTHER
TRIBE – Blood degree

Judith Pelteir
GRANDMOTHER
~~Born June~~ 13_1873
TRIBE – Blood degree

Edwin J. Henry
Edward Allery
APPLICANT
Born. Mar 27-19
TRIBE – Blood degree

GREAT-GREAT-GRANDFATHER
TRIBE – Blood degree
GREAT-GREAT-GRANDMOTHER
TRIBE – Blood degree

GREAT - GRANDFATHER
TRIBE – Blood degree

GREAT-GREAT-GRANDFATHER
TRIBE – Blood degree
GREAT-GREAT-GRANDMOTHER
TRIBE – Blood degree

GREAT - GRANDMOTHER
TRIBE – Blood degree

GRANDFATHER
TRIBE – Blood degree

Eliza Iron Bear
MOTHER
TRIBE – Blood degree

GREAT-GREAT-GRANDFATHER
TRIBE – Blood degree
GREAT-GREAT-GRANDMOTHER
TRIBE – Blood degree

Jack
John Little Boy
GREAT - GRANDFATHER
TRIBE – Blood degree

GREAT-GREAT-GRANDFATHER
TRIBE – Blood degree
GREAT-GREAT-GRANDMOTHER

Little Stone
GREAT - GRANDMOTHER
TRIBE – Blood degree

Mary Little Boy
GRANDMOTHER
TRIBE – Blood degree
sister to
Eva Littleboy Day

Certificate of Baptism

This is to Certify, that CECELIA ALLERY

Son— Daughter of CHRYSOLOGUE ALLERY and ELIZE IRONBEAR

born on the 25 day of NOV 1924 City DUNSEITH State ND

was Baptised on the 6 day of MAY 1925

According to the Rite of the Roman Catholic Church

in St LOUIS CHURCH at DUNSEITH, ND

Sponsors: Wm SINCLAIR
VERONICA AMYOT

By the Rev. L CAMPEAU

as appears from the Baptismal Register of this Church.

711 The E. M. Lohmann Co., St. Paul, Minn.

Issued by Sr Joanne Johnson Date May 29, 1980

Certificate of Baptism

This is to Certify, that EDWARD ALLERY

Son Daughter of JOSEPH ALLERY and ELIZE IRONBEAR

born on the 22 day of MARCH 1929 City DUNSEITH State ND

was Baptised on the 25 day of APRIL 1929

According to the Rite of the Roman Catholic Church

in ST LOUIS at DUNSEITH, ND

Sponsors: RUSSELL ST. CLAIR
ADELINE AMYOTTE

By the Rev. A.P LAMY

as appears from the Baptismal Register of this Church.

711 The E. M. Lohmann Co., St. Paul, Minn.

Issued by Sr Joanne Johnson Date May 29, 1980

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

IN REPLY REFER TO:
Tribal Programs
11331-58

JAN 21 1959

Air Mail

Mr. Benjamin Reifel

Area Director, Aberdeen, South Dakota

Dear Mr. Reifel:

Reference is made to your letter of August 11, with which
you submitted a roll prepared in the 1930's by Henry Roe Cloud,
Field Representative, on which is listed the names of Chippewa
Indians who at that time lived in Montana, but who were from the
Turtle Mountain Reservation, North Dakota. You asked to be advised
whether (1) the so-called Roe Cloud roll is to be considered as offi-
cial; (2) the roll was ever submitted to the governing body of the
Turtle Mountain Reservation for approval; and (3) the persons listed
on the so-called Roe Cloud roll, upon proper identification and
approval by the tribal governing body, could be admitted to member-
ship in the Turtle Mountain Chippewa Tribe.

Insofar as we have been able to determine, the so-called
Roe Cloud roll was considered official for the purpose for which it
was prepared. We have not, as yet, established the purpose other
than to list the landless Indians living in Montana. The compila-
tion included Indians formerly affiliated with tribes of other
reservations as well as the Chippewa Tribe of the Turtle Mountain
Reservation. The list you submitted appears to be the names of
family heads or of individuals formerly affiliated with the Indians
of the Turtle Mountain Reservation. It is doubtful whether the list
was approved by the governing body of the Turtle Mountain Reserva-
tion, because we know of no purpose which could be served in sub-
mitting it for the approval of that body, other than to identify the
persons listed.

In response to your third question, only persons on the
so-called Roe Cloud roll who meet the qualifications for enrollment
set out in the Act of May 24, 1940 (54 Stat. 219), would be eligible
for enrollment as members of the Chippewa Tribe of the Turtle Mountain
Reservation. The fact that a person's name appears on the so-called

Roe Cloud roll would not of itself qualify the individual for enrollment as a member of the Chippewa Tribe of the Turtle Mountain Reservation, North Dakota, nor does it entitle the person to any services or benefits which may be extended to the members of the Turtle Mountain Chippewa Tribe.

Membership in the Turtle Mountain Chippewa Tribe is governed by the Act of May 24, 1940, supra. The members are those persons whose names appear on the roll prepared pursuant to Section 2 of that act, which roll was approved by the Secretary of the Interior on March 15, 1953, and all descendants of persons on that roll, provided that the descendants possess one-fourth or more Indian blood, and provided further that they are not domiciled in Canada. The act specifies that the roll be kept current by striking the names of deceased persons and adding the names of descendants who meet the qualifications set out in the act.

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For our own information, we are continuing the research to obtain information as to the purpose for which the so-called Roe Cloud roll was prepared, but in view of the Act of May 24, 1940, supra, we cannot see where it would have any bearing on membership in the Turtle Mountain Chippewa Tribe.

Sincerely yours,

(Sgd) W. BARTON GREENWOOD
DEPUTY

Commissioner

Copy to: Supt., Turtle Mountain Cons. Agency
Chairman, Turtle Mountain Advisory Committee
Julian Smith

Henri Létourneau

TRANSLATION OF BOOK #5 OF WILLIAM DAVIS

The Hudson Bay Co. brought to Red River a lot of merchandises to trade for buffalo robes, wolf skins, fox skins, prairie dogs?.(1) minks, otter, lynx, fishers and bear skins. Forbidding the English halfbreeds and the Canadian Métis(2) to buy a single skin of those pelts (mentioned above). If anybody bought any of those pelts in spite of the defense to do so, he would be jailed (Ditill) said he (the company) because they had a law and they also had soldiers to enforce it. And this scared the Métis; they did not even dare to buy or make deals amongst themselves, or with the indians. The company sold as they wanted (they set their own prices) and they also paid whatever they wanted (in other words the company set the prices buying or selling) and since the company forbid all dealings and they did not want anybody but they (the company) to have a store, so the Métis endured this for a long time, they were badly treated (maltreated is the word). They (the Métis) in the spring would leave on barges(3) (the company's brigade of barges) 10 to 12 barges. 6 men at the oars and the "Gouvernaille" (steerer) at the back and the devant (the man standing at the front was called the "Devant"; he was the guide and he would also give the orders, in fact he was the man in charge of the boat or barges. He also, with his oar, fend off the rocks). This would mean a crew of 8 men per barge. From morning till noon the 6 men will be plying those 9 feet long oars who weighted 16 lbs and at 12 hour (noon) they would stop along the beach for dinner, each man had his small pail, they would make a small fire so they would be able to boil (brew) their tea in their small pails (the small H.B.C. copper tea pail) and the food that they ate was taureau (pemmican) this taureau was made with lean buffalo meat sliced very thin and dried in the sun, when the meat was dry, a hole was dug in the ground (by the description, more like a small trench). This hole two feet deep, 3 feet wide and from 7 to 8 feet long and then short length of small green poles were put across the hole (trench) those stick were close together, a fire (of dry wood) was lit in the hole, and then the strips of dried meat was put across those green sticks and roasted then this meat was put on a buffalo hide and then this meat was finely pounded and then fat was mixed with the powdered meat to make taureau. After dinner the men would embark (in their barges) and would be paddling till very late and they would camp on the beach; each man would have his blanket and his cabon (caban) hooded-coat.(4) They would sleep till the petit jour (beginning of daylight) at that time the guide (devant) would call, "Lève, Lève, Lève, Up, Up, Up. The guide was A Lesperense (Lésperance) and sometimes Baptiste Brulé, all the men would get up, light their small fires to make their tea and they would have the same food (the same kind of food that they had the night before). On the voyage there were certain places where they could not pass with a loaded barge on account of the rapids. Then the men would carry 200 lbs and each man had to make from 4 to 5 trips to take all the pieces (parcels) past the portage. The leather straps that they used to carry the loads on their backs, were 16 feet long, at each end the straps were about an inch wide, in between the straps were 4 inches wide they would tie the first piece (parcel) on their back and then they would put another on top the men would actually trot, (il trotinai) jog with the 2 pieces on their back, to see who would do his share first. Some of the portages were ¼ of a mile long, others ½ a mile. The longest was portage La Loche(5) a mile long, once at Portage La Loche, it was a port, and there the pelts were loaded on the barge and the barges would go down Brochet River and from there they would go down to the sea and there the pelts were unloaded. The merchandises were loaded and they left Winnipeg at the beginning of June and would be back the 15th of October, and then at the Fort in Winnipeg they were paid 6 pounds, that is 30 dollars for the round trips. There at the fort was the governor. The bourgeois (factor) the clerks and the soldiers, those rules were in force for a few years.

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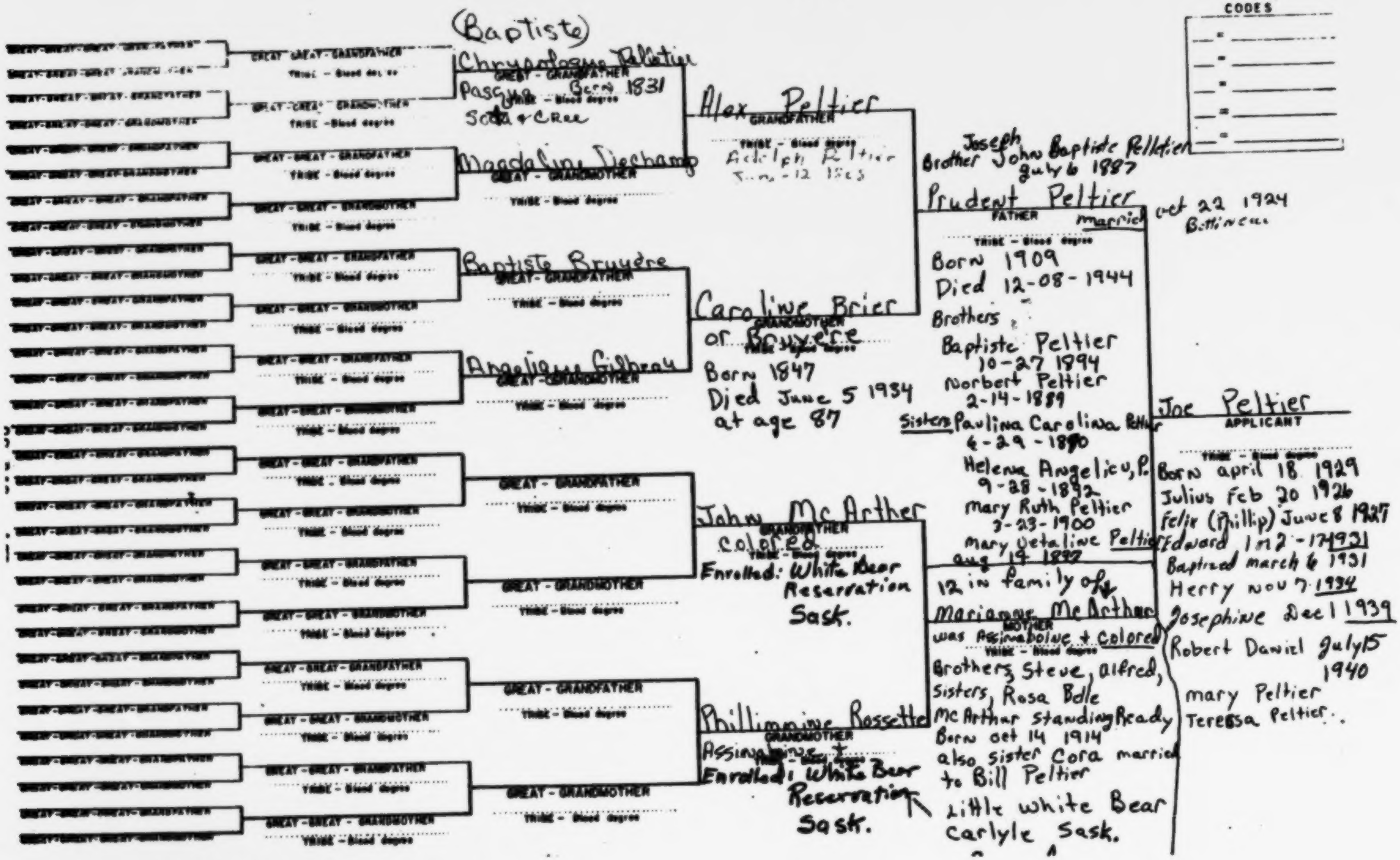

(Baptiste)
Chrysologue Pelletier
GREAT - GRANDFATHER
Pasgua Born 1831
TRIBE - Blood degree
Scotch + Cree

Magdaline Dechamp
GREAT - GRANDMOTHER
TRIBE - Blood degree

Baptiste Bruyere
GREAT - GRANDFATHER
TRIBE - Blood degree

Angelique Gilbeau
GREAT - GRANDMOTHER
TRIBE - Blood degree

Alex Peltier
GRANDFATHER
TRIBE - Blood degree
Adolph Peltier
June - 12 1863

Caroline Brier
GRANDMOTHER
or Bruyere
TRIBE - Blood degree
Born 1847
Died June 5 1934
at age 87

GREAT - GRANDFATHER
TRIBE - Blood degree

GREAT - GRANDMOTHER
TRIBE - Blood degree

John McArther
GRANDFATHER
colored
TRIBE - Blood degree
Enrolled: White Bear
Reservation
Sask.

GREAT - GRANDFATHER
TRIBE - Blood degree

GREAT - GRANDMOTHER
TRIBE - Blood degree

Phillimmine Rossette
GRANDMOTHER
Assiniboine +
TRIBE - Blood degree
Enrolled: White Bear
Reservation
Sask.

Joseph
Brother John Baptiste Pelletier
July 6 1887

Prudent Peltier
FATHER
married oct 22 1924
Bottineau
TRIBE - Blood degree
Born 1909
Died 12-08-1944
Brothers
Baptiste Peltier
10-27 1894
Norbert Peltier
2-14-1889
Sisters Paulina Carolina Peltier
4-29-1890
Helena Angelicu, P.
9-28-1892
mary Ruth Peltier
3-23-1900
mary Vetaline Peltier
aug 19 1897

12 in family of

Marianne McArther
MOTHER
was Assiniboine + Colored
TRIBE - Blood degree
Brothers, Steve, alfred,
Sisters, Rosa Belle
McArthur Standing Ready
Born oct 14 1914
also sister Cora married
to Bill Peltier
Little white Bear
Carlyle Sask.

Joe Peltier
APPLICANT
TRIBE - Blood degree
Born april 18 1929
Julius Feb 20 1926
Felix (Phillip) June 8 1927
Edward 1 m 2 - 17 1931
Baptized march 6 1931
Herry nov 7 1934
Josephine Dec 1 1939
Robert Daniel July 15
1940
mary Peltier
Teressa Peltier

MICROFILMED FROM
BEST AVAILABLE

Joseph J Oke Pelletier
July 6 — 1887

Father Olif Pelletier
Caroline Bruyere.

Info Merville Mission
Cowess Res. Broadview

John Pelletier —— Olif Pelletier
Caroline Bruyere,
Isobelle Bigstone.
Oct 11-1932 married
Carlyle, United Church

Eventually the Métis got tired of this and they talked to the governor, saying "That they wanted the privilege of buying and selling at a profit". They, the Métis, got together and decided that whoever wanted to trade was free to do so and they went to see the governor telling him that thoy wanted commerce to be free. Right away the governor got mad, saying No! There won't be any other trader but the company! And he took his soldiers with him to learn who had started this affair. But the Métis were already assembled 35 miles east of Winnipeg at a place which in those days was called La Grenouillère (Frog Plain, called by the scotsmen Seven Oaks).(6) So the governor was found there on the 19 of June, year 1816, and when the governor was near enough to hear, the Metis cried, "Our governor will you stop for a short time, we would like to talk to you". The governor, who was very mad, told his soldiers to shoot, the soldiers fired at the Métis, and the Métis, who were all armed, fired back cheering with joy as they fired. Pretty soon the soldiers started to retreat and the Métis were advancing all the time, later the soldiers ran away with the Métis in pursuit, so the battle ended not one Métis was killed, but many soldiers were killed. And from that time on trade was free.(7) There were Métis who were going to the sea with a barge bringing merchandise they would buy peltries in wintertime and in the spring they would return again (to the sea) and others would go to St. Paul with carts and they would bring (back) merchandises and during the winter they would buy peltries and in the spring they would go back again (to St. Paul). Later on they started to build stores, Macdarmette (McDermot), Draiver (Drever), Banlantton (Bannatyne). These were the first to build stores. And the Métis were hunting the buffaloes, they would leave on the 10 or 12 of June; they would come back at the beginning of August. They would make a bit of bread with the strong arm. (This is not easy to translate; between the spring buffalo hunt and the fall hunt, this would be from the beginning of August, on their return from the spring hunt, to their leaving for the fall hunt at the beginning of September except for repairing their equipments. The men would be free to play games, boxing, wrestling, wrist pulling, "making a bit of bread with the strong-arms" would mean "to make dough with the bully's" bread dough as to be kneaded, punched, well worked before going into the oven. For a Bra (Fort à Bras) strong arms (also fier à Bras) proud of his strong arms. Bully might not be the right word. A fort à Bras is a man who loves to show off his strengh, without picking on weaker men). They would go back (buffalo hunt) at the beginning of September. And they would come back about the 10 or 15 of November. And on their voyage they were watched by the Sioux who would kill them, if some would wander away from the camp, and also to steal their horses. But when there was a fight the Sioux would be beaten every time. The battle of the people of the White Horse Plain in 1848,(8) we are told that the people of Pembina left for the buffalo hunt about the 10 of June, they often saw the Sioux who were their enemies, and going for a while they met with the people of the White Horse Plain, along the Grand Coteau, both camps were close (White Horse Plain and Pembina) there were about 60 families in the Pembina camp and the people of the White Horse Plains, Jirore Macdelise (McGillis), Jimmi Fransire Mallaterre.

This is how this story by William Davis ends. There might be more in the other note books. H.L.

(1) Prairie Dogs - I do not believe that prairie dog skins could be sold. Davis probably means kit fox.

(2) English halfbreeds and Canadian Métis see page 2 and 3 of William David family tree.

(3) Barges - York boats.

(4) Hooded oil skin.

(5) A very busy post in the early days of the fur trade - passengers from Montreal to the Red River and then from Red River with furs and passengers to Portage La Loche, between Lake Winnipeg and Portage La Loche there was no less than 36 portages. A long trip, Father Petitot wrote in 1875, "that leaving St.

Boniface, Manitoba (at the Forks) at the end of the month of May, one would arrive at Lake Athabaska at the end of August". Father Potitot figures the distance between Winnipeg and Portage La Loche as 2,125 kilometers. Furs from an immense territory would go through Portage La Loche on their way to the Hudson Bay — north from Great Bear Lake, the Mackenzie River, the Coppermine River, and Great Slave Lake; west from the Peace River, Fort McLeod, Fort St. James, etc. etc.; south - Edmonton, Athabaska Landing, Lac La Biche, North Saskatchewan River - and buffalo robes and pemmican from the deep south, and those boats bringing back supplies and merchandises from Hudson Bay.

(6) Frog Plain - "The Métis were already assembled 35 miles east of Winnipeg" - actually north of Winnipeg — from the corner of Portage Ave. and Main St. to Seven Oaks - a distance of 4 miles.

(7) "And from that time trade was free". Trade was free for the Northwest Fur Company. Free trade was only after the trial of Guillaume Sayer in 1849.

(8) "The Battle of the people of the White Horse Plain in 1848".
1851 see page 2
Baptiste Malaterre and Jèrome McGillis and Whiteford, were the three Métis scouts taken prisoner by the Sioux on the evening of July the 12, 1851, at the Grand Coteau. The next day, the 13, the Sioux attacked the band of Métis hunters from the White Horse Plain. During the battle McGillis and Whiteford escaped and made their way back to the Métis, but Malaterre whose horse was slow could not make it. The Sioux beaten had to leave. Malaterre's body was found pierced by 67 arrows and 3 rifle balls, both his hands and feet had been removed and his skull was bashed in. I do believe where Davis mentions - "Il faizai un put de pain avec les for a bra" he should have said "ils faisaient un peu de pâte à pain avec les forts à bras". They made a bit of bread dough out of the toughs.

LITTLE SHELL BAND OF NORTH DAKOTA ANCESTORY:

Members of Little Shell Band of North Dakota ancestors participated in 1863 Pembina Treaty. Ancestors are listed in the inuities of 1863. (Documents available).

As aboriginal decendants we strongly urge that Bill S-1735 does not become an Act as is, due to the fact that it embraces these Canadian Indians to participate in this award, therefore we feel this Bill S-1735, should be kept in the legislation until revised properly.

Ten years of research has been done to obtain the accurate documents and facts to prove the Canadian participants. We have accumulated documents of all Canadian treaties proving the Canadian Indian land allotments and ancestory. Such as: Rocky Boy Cree Tribe;
The bill embraces them as a tribe as documented of page 4.
This tribe originated from Canada.

The Chippewa/Cree tribe was thrown out of the Court of Claims in 1970, due to disqualification as participants of the award.

A memorandum from the Office of the Secretary, signed by William E. Hallett, dated August 19, 1980, states: "The Rocky Boy Problem": Page 7, (Note the information under this headline), which falls back to the Treaty Agreement No. 6 - between Her Majesty the Queen and the Plain and Wood Cree Indians, dated 1876. (Copy of treaty enclosed).

With the documents we have submitted, along with many other documents in our possession, we strongly request that no further action be taken on Bill S-1735, by the Senate Select Committee, until all of our documents have been examined by the Select Committee.

Due to our financial situation we are unable to attend the hearing held on June 17, 1982, to give verbal testimony, therefore, we could present by mail only a small amount of the information and documents in our possession, in order to prove that we do possess the necessary and very important literature proving the canadian indians are enrolled in this federally recognized tribe.

Respectfully yours,

Mary Z. Wilson

Mary Z. Wilson
Chairwoman,
Little Shell Band of North Dakota

Enclosures:
MZW/jap

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Tribal Government Services

Memorandum

August 19, 1980

To: Area Directors
Aberdeen, Minneapolis and Billings

From: Commissioner of Indian Affairs

Subject: Results of Research Report in 1905 Pembina Chippewa award in Dockets 113, 246, 191 and 221 and Draft Proposal for Use and Distribution of Funds.

The subject material is herewith submitted to you in compliance with the Indian Judgment Funds Act of October 19, 1973, 87 Stat. 466, as implemented by 25 CFR, Part 60.

A. BACKGROUND OF THE AWARD

The U. S. Court of Claims on March 18, 1980, issued a "partial judgment" in the amount of $47,376,622.93 to plaintiffs in Dockets 113, 246, 191 and 221 orginally filed with the Indian Claims Commission. Funds to satisfy the award were appropriated on March 25, 1980. Still to be litigated are offsets in terms of a maximum of $5,150,715.04 claimed by the United States. The findings and recommendations of this report apply also to any further award made subequent to the settlement of offsets issues (see attached Draft Proposal).

The award was made for the 1905 value of a large aboriginal tract, over eight million acres, in north-central North Dakota extending to the Canadian border. By an 1863 treaty the Pembina Chippewas ceded the lands in the Red River area immediately to the east of the lands involved in the present claims award. In this report the award for the Red River lands will be referred to as "1863 Pembina" (Act of July 29, 1971) and the present award as "1905 Pembina."

Congress established the McCumber Commission to acquire the unceded Pembina lands west of the Red River area. After considerable confusion an agreement between the Federal Government and the Pembina Chippewas was made on October 22, 1892, which has become known as the "Ten Cent Treaty" since about ten cents an acre was paid for roughly ten million acres (it was not a treaty, however, since the treaty making process ended in 1871). Congress amended and approved the agreement on April 21, 1904, and the Pembinas approved it on February 15, 1905. The latter is the taking date for the aboriginal lands determined to be within the ceded tract. In this report we shall be concerned with groups deriving from the Pembina Band of the period 1892-1905 and prior thereto.

In examining the pertinent background of the award it is instructive to list the petitioners. They are designated as follows:

> Turtle Mountain Band of Chippewa Indians (Docket 113);
>
> Red Lake Band, and Peter Graves, et al., ex. rel. Red Lake Band; Pembina Band, and Katherine Carl Barrett, et al., ex rel. Pembina Band; John B. Azure, et al., ex rel. Chief Little Shell's Band of Pembina Chippewa Indians (Docket 246);
>
> The Little Shell band of Chippewa Indians and Joseph H. Dussome, et al., ex rel. said band (Docket 191);
>
> Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, and Joe Corcoran, ex rel. Chippewa Cree Tribe; Blanche Patenaude, et al., ex rel. Little Shell Band of Indians and the Chippewa Cree Tribe (Docket 221).

By order of June 30, 1970, the Indian Claims Commission concluded that:

> The Red Lake Band, Peter Graves [et al.] should be and are hereby dismissed as plaintiffs in Docket 246. The Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, and Joe Corcoran should be and hereby are dismissed as plaintiffs in Docket 221.

The Commission further ordered that the remaining plaintiffs were entitled to maintain the action. As discussed below, we are not recommending that Red Lake tribal members participate. While the Commission's conclusion concerning the Chippewa Cree Tribe remains inexplicable to us, we are not precluding individual Pembina descendants within the Chippewa Cree Tribe from participation.

The Docket 113 petitioner is the organized, duly constituted Turtle Mountain Band of Turtle Mountain Reservation, North Dakota. With the exception of the Red Lake element, petitioners in Docket 246 are the White Earth Reservation Pembinas of Minnesota and other Pembina descendants. Petitioners in Docket 191 are generally Pembina descendants in Montana not enrolled with any recognized tribe. However, petitioners in Docket 221, with the exception of the organized, duly constituted Chippewa Cree Tribe of Rocky Boy's Reservation, Montana, are generally Pembina descendants in North Dakota who may today be enrolled with the Turtle Mountain Band.

We find no problem with the dismissal of the Red lake Band. It has been well established that any Pembina descendants within the organized Red Lake Band of Chippewas have been submerged within that Minnesota reservation entity. The Red Lake Band membership, in its entirety as such, has participated in aboriginal and other claims awards determined to be theirs exclusively. The Red Lake plaintiffs conceded that they have no interest in the 1905 claim (23 Ind. Cl. Comm. 315).

The dismissal of the organized Chippewa Cree Tribe of Rocky Boy's Reservation, Montana, does, however, present a problem. It is apparent that both the Indian Claims Commission and the Court of Claims remain confused about the identity of this and other petitioners. The Chippewa Cree plaintiff conceded that the tribe and Joe Cocoran as a member have no interest in the claim (23 Ind. Cl. Comm. 315). We find the following exchange between Associate Commissioner William M. Holt (Ind. Cl. Comm.) and Lawrence C. Mills, attorney for petitioners in Docket 221, in the transcript of hearings of September 18, 1962, pp. 295-6.

Holt: Who are your petitioners in 221?
Mills: Blanche Patenaude, Joseph Richard ...
Holt: Just a minute, Mr. Mills. What is confusing me is you have the Chippewa tribe of the Rocky Boy's Reservation.
Mills: They are not parties in this case.
Holt: They are not in this case. The only ones are the names starting with Blanche Patenaude, on behalf of the Little Shell Band of Indians.
Mills: And the Chippewa Cree Tribe. That is the way they describe themselves.

The aforementioned order of June 30, 1970, resulted from the above. Further, the Findings of Fact of the Commission, of the same date, declare that the "Little Shell Band is sometimes known as the Chippewa Cree Tribe." Blindly following the Indian Claims Commission, the Court of Claims in its decision in the subject claims case of January 23, 1974, refers to the Little Shell Band as plaintiffs in Dockets 191 and 221 and in a footnote describes the entity as being also known as the Chippewa Cree Tribe. As demonstrated later, the so-called Little Shell Band of Montana or North Dakota is surely not the same as the organized, reservation - based Chippewa Cree Tribe. The Chippewa Cree tribal officials were not aware of the error and confusion outlined above until informed by this Bureau in February 1980 and as confirmed by memorandum of March 11, 1980, to the Rocky Boy's Agency Superintendent. We find, as also demonstrated below, unacceptable the implication, at least, that Chippewa Cree tribal members are not Pembina or are less Pembina than the individuals forming the "Little Shell Band."

Other labels adopted by the Indian Claims Commission and the Court of Claims within the background period of the litigation are also confusing and, therefore, of little value in determining the beneficiaries of the award. The Commission, in its June 30, 1970, Findings of Fact, adopted the term "Plains-Ojibwa" (the hyphen is inappropriate) in an effort to describe the aboriginal landowning group and stated that said Plains-Ojibwa are also known as "Bungi, Salteaux, Turtle Mountain Band, Pembina Band, Little Shell Band, Chippewa and Chippewa-Cree."[1] The Court of Claims, in an attempt to clarify the issue, only added to the confusion in its January 23, 1974, decision by coining the term "American Pembina Chippewa." This group, the Court added, was comprised of full and mixed bloods, "including the subgroups of the Turtle Mountain Band, the Pembina Band, and the Little Shell Bands." The Court anticipates our burden by adding: "Further delineation of those to whom any award should go is, as we have held, a matter of the authorized administrative official or for Congress."

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[1] A hyphen is appropriate, however, for Chippewa - Cree but is rarely employed.

B. PERTINENT ETHNOHISTORY OF THE PLAINS OJIBWA AND THE PEMBINA BAND

Although the designation Plains Ojibwa (without hypenation) is of limited value in identifying contemporary Pembina entities it is crucial that we first understand that all of the Chippewa (Ojibwa) people involved in this case are Plains Ojibwa. All Pembinas are or were Plains Ojibwa and, in fact, all Plains Ojibwa derive, at least in part, from the people who came to form the early Pembina Band prior to 1863. Many of the conclusions reached and recommendations made in the present report are based on extensive research done in the small 1863 Pembina award for the Red River lands in Minnesota and North Dakota. There are, however, important changes in our thinking. In part as a result of our experience in constructing a descendant roll for 1863 Pembina, and in part resulting from analyzing ethnohistorical records in the light of enrollment background, we are now persuaded that very large numbers of Metis (a category detailed below) are indeed able to establish Pembina derivation. This phenomenon was, to us, only suspected and sometimes discounted when researching 1863 Pembina and prior to the development of the yet incomplete roll for that award.

The Ojibwa or Chippewa originated as a distinctly Woodland group which pushed westward and southwestward through Wisconsin and Minnesota. By the late 18th century some had entered the fringes of the Plains and by the early 19th century had become established as Plains Ojibwa as distinct from the parent Woodland Ojibwa. The original Plains Ojibwa group formed in the Red River area, principally around Pembina, North Dakota. From about 1800 there was a gradual accretion to the original groups which had taken to the Plains and become bona fide, nomadic buffalo hunters adopting many of the cultural, including ceremonial, patterns and traits of neighboring and often enemy Plains tribes. During the period 1801-1805 a permanent band of Plains Ojibwa was formed at Pembina in the Red River area around Alexander Henry's trading post. This element became the nucleus of the later Pembina Band also known as the Turtle Mountain Band (emphasis supplied). In the larger sense it is apparent that all Plains Ojibwa, both ethnically "full blood" and "mixed blood", derive ultimately from the Red River - Turtle Mountain area. This would include, with the accretion of later American and Canadian Woodland Chippewas and Ottawas and particularly Canadian Plains Cree, the Plains Ojibwa groups who later settled on Canadian reserves. It further includes the mixed blood element associated with the Plains Ojibwa who were at various times located on the Canadian Plains and who have Cree and other Indian ancestry in addition to Ojibwa. The mixed blood element, which became so large in proportion to the traditional Plains Ojibwa, had its beginnings at the Henry and other trading posts on both sides of the international boundary in the Red River area.

The Plains Ojibwa full blood element is often called "Bungi", meaning in Ojibwa "a little bit" and referring to being originally a little distant, westwards, from their Woodland parents and cousins. They are also simply called "Chippewa" or "Ojibwa" and, especially in Canada, "Salteaux". Confusion between them and Woodland and Plains Crees, and Woodland Ojibwa, is widespread even among scholars and extends to both countries. Compounding confusion is the fact that the term "Cree" is applied often and indiscriminately to the languages of the Plains Ojibwa, Plains Cree and the Plains Ojibwa mixed bloods.

The Plains Ojibwa mixed bloods are called Metis (French for half) or Michif (Ojibwa for half) and are not to be confused with the Metis of the more eastern portions of the United States or Canada. The term Metis, as applied to those associated with the Plains Ojibwa, does not mean merely "half blood" or "half breed" although blood quantum records, both historical and contemporary, often designate them as being of exactly one-half blood. The name Metis has a much broader connotation, referring to a large cultural and sociological element formed during the buffalo hide trading era on the northern Plains. The Metis, by the early 19th century, had developed a distinct culture, "marginal" to that of the tribal peoples and the anglicized societies of both the United States and Canada. The Metis are linguistically distinct, having developed the "Metis jargon" which is predominantly French with many Ojibwa and Cree elements. Those Metis who either continually or at various periods were associated with the Pembina Band in the Red River-Turtle Mountain area were politically part of that band and recognized the authority of the traditional chiefs (such as Little Shell, evidently a father, son and grandson). It is also evident that when the Little Shell of 1892 left the Turtle Mountain area large numbers of Metis were among his followers.

When the Red Lake and Pembina treaty of cession was signed at Red River ("Red Lake River") on October 2, 1863, the Pembinas were residing in the ceded area and to the west of it in the Turtle Mountains and vicinity, ignoring any distinction between the U. S. and Canada. At that time they comprised two sub-groups, one led by an earlier Little Shell and another by Red Bear. Among the Pembina treaty signatories were these two chiefs and two Metis representatives. The 1863 treaty was augmented by the treaty of April 12, 1864, in Washington, D. C. with the Pembina and Red Lake Chippewas in which, among other things, scrip for land was available to "mixed bloods" of the bands and said scrip would be issued in lieu of treaty annuities. This is undoubtedly one reason why so few French or other European surnames associated with the Metis appear on early Pembina annuity rolls.

Because of the difficulty encountered in selecting a suitable reservation site west of the 1863 ceded area a township was purchased for the Pembina Band on June 20, 1873, within the White Earth Reservation in Minnesota. Apparently, those Pembinas who originally settled there were representative of the full blood, traditional element. By an agreement of August 11, 1886, the White Earth Pembinas exchanged their separate township for incorporation in an organization formed by the other bands (all Woodland Ojibwa) resident on White Earth. The agreement entitled the Pembinas "to share all the benefits of consolidation equally with [the others]; and, in turn, the consolidated bands are made equal owners in the Pembina township, and in any claims the Pembinas may have against the United States on account of land elsewhere" (the aboriginal land which formed the basis of the present 1905 Pembina award). The White Earth Reservation groups became, in time, incorporated with five other reservation entities in the modern Minnesota Chippewa Tribe. The tribe has established that historic band claims awards (Pembina, Mississippi, Pillager and Lake Superior) be shared by the band descendants within the Minnesota Chippewa Tribe with provisions made for reservation development. With this tribal precept we have consistently agreed.

Those Pembinas, the majority, who remained in North Dakota were variously referred to as Pembina Chippewa, the Turtle Mountain Band and the Little Shell Band, the 1863 treaty chief being succeeded by his son and grandson of the same name to whom large numbers of Metis owed allegiance. The Metis increasingly were represented as councilors of the Pembina Band. These people continued to hunt buffalo and trade in the North Dakota - eastern Montana area crossing into Canada with impunity. The famed caravans of Metis or "Red River" carts extended also well into Minnesota. In 1882 the Turtle Mountain Reservation was established, by Executive Order, for the "Turtle Mountain Band of Chippewas and such other Indians of the Chippewa Tribe as the Secretary of the Interior may see fit to settle there." The "such other Indians" were the increasing numbers of Metis. It was this reservation which was reduced to two townships, one of the factors which greatly angered Little Shell and other leaders, both Bungi and Metis, who requested a thirty mile square tract during the 1892 negotiations.

Origins of Turtle Mountain Enrollment

Those Metis who generally became established in Manitoba and Saskatchewan continued to chafe under Canadian rule, among their many grievances being inability to secure land titles and a representative government. Led by Louis Riel, Gabriel Dumont and others, but joined by very few conservative Plains Ojibwa or Plains Cree, they rebelled unsuccessfully. By the late 1880's the Turtle Mountain area became inundated with Metis who had fled Canada after the rebellions of 1869-70 and 1885. These people also overflowed into Montana and in both North Dakota and Montana they joined Bungi and Metis relatives. It is basic to note that the "Riel refugees" or "Canadians" were, or their ancestors had been, thoroughly familiar with the Red River-Turtle Mountain area and the Plains Ojibwa societies there. The Metis who arrived during the 70's and 80's continued to cross and recross a border that only in the 70's had been officially surveyed. They had the same surnames as and were from or closely related to the families who apparently had generally remained with the Pembina Band at least since 1863.

With the gradual disappearance of the buffalo and other game both Metis and Bungi were forced during the 70's and 80's to range farther from the Turtle Mountains or to leave the area, principally for Montana and Canada. A pattern of sojourning throughout that portion of the northern plains and returning to the Turtle Mountains was well developed prior to the McCumber Commission's work and has, in many senses, continued to the present. Turtle Mountain and other U. S. Metis are in frequent contact with Canadian Metis communities, such as that in Winnipeg; Turtle Mountain and Rocky Boy full bloods are in contact with their Plains Ojibwa kinsmen on those Canadian reserves closest to North Dakota and Montana.

The October 1, 1892, McCumber Roll was developed by federal representatives and a Pembina committee of 16 Metis and 16 Bungi. Little Shell and others strongly protested the inclusion of some names and, prior to the actual development of the roll, insisted that many of their people were not present but had every right to be enrolled as true residents of the reservation. Little Shell and his followers divorced themselves from the proceedings and left the reservation, subsequently traveling to Canada and Montana. He later returned to the Turtle Mountains. It is evident that a large number of Metis accompanied him to Montana and elsewhere. He and his family were included by the Committee of Thirty-Two on the roll which contains the names of 283 full bloods and 1,476 mixed bloods. The Davis Turtle Mountain Roll, supposedly closed October 8, 1904, after rejecting some entries and adding others, comprised 201 full bloods and 1,893 mixed bloods. We regard all mixed bloods on the McCumber and Davis rolls to be of one-half blood. Federal officials through the 1940's have expressed their dismay about the arbitrary manner in which individuals have been enrolled and others, often closely related, rejected. Eligibility for both the McCumber and Davis rolls was based primarily on undisputed affiliation with the band and rejection of those who had received Canadian benefits. We shall return to Turtle Mountain enrollment factors.

The Rocky Boy Problem

Despite the confusion, described earlier, exhibited by the Indian Claims Commission and the Court of Claims concerning the identification of the Chippewa Cree Tribe of Rocky Boy's Reservation, and although not a single professional ethnohistorian has adequately examined the origins of these people, we cannot ignore their obvious Plains Ojibwa and specifically Pembina Band derivation.

Rocky Boy (Stone Child), a successor to Red Bear, followed the pattern of sojourning between the Turtle Mountains and Montana and nearby areas in Canada. Unlike Little Shell and some Metis leaders, Rocky Boy's following was almost exclusively comprised of full blood Bungi and Crees when they came to the attention of Montana authorities in 1902. Chief Rocky Boy and his people had joined with some Plains Crees under Little Bear, the son of Big Bear who was the chief of virtually the only tribal group which had participated in either of the Metis rebellions. These Little Bear people were fugitives from the Riel Rebellion of 1885. They or their near relatives had participated in depredations in Saskatchewan and resisted every combined U. S. - Canadian effort to return them to Canada.

The Rocky Boy - Little Bear band lived something of a pariah existence in Montana during the early part of this century. Individuals and families were often scattered throughout the state, sometimes residing on reservations such as Crow and Fort Belknap, and across the international boundary, until the reservation named for Rocky Boy was established by the Act of September 17, 1916. Chief Rocky Boy died before his people were actually settled on the reservation in 1917. They were then still scattered and to this day some full blood Bungi in Montana have been unable to enroll with the organized Chippewa Cree Tribe.

The historical, ethnological and political record is practically silent regarding the derivation of Rocky Boy and those Plains Ojibwa with him. Undoubtedly, one reason for the silence, or the error or confusion, is that various federal and Montana authorities and individuals either attempting to assist the band or resist their efforts to settle in Montana could not conceive of Chippewa Indians being so far west. In an attempt to establish American origins, Rocky Boy (or his friends among the Montana citizenry) maintained that he originated in Wisconsin. Rocky Boy and his people were and are unimpeachably Plains Ojibwa. They could not have had any memory of Wisconsin. We are convinced that he and his people had a genuine fear of being returned to the then destitute, overcrowded conditions at Turtle Mountain. Unquestionably, some of his followers were among those who were reported absent during the 1892 negotiations.

In conducting research on 1863 Pembina it became necessary to review the paucity of literature on the group and a variety of rolls, and in September 1964 to conduct field interviews with mainly aged residents of the Rocky Boy's Reservation. It became clear that, with the possible exception of some Metis, this is essentially a Red Bear, not a Little Shell following. It has been established that a number of individuals with Rocky Boy were either born in the Red River - Turtle Mountain area, are actually included on the McCumber Roll or that present-day Chippewa Cree members are closely related to individuals on the McCumber Roll. A lieutenant or spokesman of Rocky Boy's, Peter Kinnewash, was enrolled as Ka-ke-no-wash in 1892 and during Rocky Boy's efforts to secure a permanent home made frequent trips back and forth to Turtle Mountain. Contrary to Rocky Boy's wishes the same Kinnewash, encouraged by Little Bear, was making strenuous efforts during 1916-17 to enroll Montana Metis and thus obtain for them the right to reside on the new reservation.

McCumber agreement

An analysis of the ethnohistorical data, including the period of the emergence of the Rocky Boy Band, and the interviews with aged Rocky Boy Chippewa, leads to the inescapable conclusion that those Chippewas with Rocky Boy were Pembinas. They could not, with the exception of some spouses or others who may have derived from nearby Plains Ojibwa Canadian reserves, been other than Pembina. It should be emphasized that even those who might have derived from Canadian reserves (and there is no proof that those born in Canada originate from such reserves) would have been originally from the Red River - Turtle Mountain homeland. These conclusions do not apply to individuals and families under Rocky Boy who were undeniably Cree, Assiniboine or Blackfeet and listed as such. Today, however, their descendants may also have Pembina ancestry. The claim of the Chippewa Cree Tribe to the "Sweet Grass" lands in northern Montana was dismissed by the Indian Claims Commission in Docket 221-B because ethnohistorians understandably could find no evidence of Chippewa Cree aboriginal title to such lands.

Plains Ojibwa, that is "Bungi", Plains Cree and Metis jargon are all spoken on Rocky Boy. Distinctly Plains Ojibwa cultural traits, such as in ceremonialism, persist and are shared with some of the more traditional "Landless" people in Montana. An identification problem, alluded to earlier, is that some or all of these phenomena are often labeled "Cree". Rocky Boy people do not employ the term Pembina and are nowhere listed as such on early rolls. In fact, other than the 1963 Pembina roll presently under construction, the term Pembina appears only on old annuity rolls and on the band designations within the Minnesota Chippewa Tribe. The most tangible evidence of Pembina derivation, in addition to the 1892 McCumber Roll which contains the names of some Rocky Boy people or their relatives, is found in the "Tentative Roll of the Rocky Boy Indians" of May 30, 1917, or on the McLaughlin Census Report of the Rocky Boy Indians of July 7, 1917. Regarding the latter document, of 450 enrollees 120 showed no Chippewa ancestry. Of those indicated to be Chippewa or partly Chippewa 102 entries did not include a specified blood quantum. These 450 persons comprised, in the official sense, the 1917 "Chippewa Cree Tribe" which was subsequently organized under the IRA. We do not feel free to recommend the modern Chippewa Cree Tribe as a full tribal successor to the Pembina Band, partly because of the court decisions and partly due to the presence in 1917 of significant numbers of non-Chippewas. However, we are persuaded that the 1917 Chippewa enrollees, and those descended from them, whether enrolled with the Chippewa Cree Tribe or not, are Pembina descendants. Continued research and analysis have not produced a shred of evidence that the designation "Chippewa" on the 1917 rolls is not synonymous with Pembina.

Sections 4 and 5 of the Act of July 29, 1971, for the use of the small 1863 Pembina award ($237,000) provide for the participation of the Chippewa Cree Tribe, as such. This manner of participation is essentially the same as that of the Turtle Mountain Band and the Minnesota Chippewa Tribe. After ascertaining the numbers of Pembina descendants in the three tribes, each of the tribes is authorized to utilize its respective share, with the approval of the Secretary. The 1971 Act provides also for the establishment of a descendant entity apart from the three tribes. We emphasize that the statutory authority of 1971 occurs after the 1970 Indian Claims Commission decision relating to the Chippewa Cree Tribe.

Other Montana Pembinas

Large numbers of Pembina descendants, primarily in Montana but also in the Dakotas and other places, did not become enrolled with the Turtle Mountain Band, the Minnesota Chippewa Tribe or the Chippewa Cree Tribe. They are virtually all Metis, but many are partly Sioux and enrolled with the Sioux tribes of the Dakotas and the Fort Peck Tribes. Others may be partly Assiniboine and Gros Ventres (Atsina), or Crow and Blackfeet, and again enrolled members of organized tribes. The French and other Metis surnames are commonly found among northern Plains tribes and there is every indication that they are Pembina descendants. In many instances, however, especially among South Dakota Sioux, these descendants have lost any sense of Ojibwa identity.

Other Pembina descendants, principally in Montana and not eligible for enrollment with any recognized tribe, are acutely aware of Pembina derivation. They are known by a variety of names such as the "Landless Indians of Montana", "Cree", "Chippewa Cree" and "The Little Shell Band of Montana". The latter also has an organizational connotation and has recently changed its name to the Little Shell Tribe of Chippewa Indians of Montana. This organization, according to the present President, John Sinclair (St. Claire), now encompasses formerly rival groups. The organization is among the descendant groups who have actively pursued the 1863 and 1905 Pembina claims. The bylaws of the organization provide for one-quarter Chippewa blood for membership.

The descendants of those who accompanied Little Shell to Montana would be found among these people, in unknown numbers. Some may be able to trace to the 1917 Rocky Boy rolls, the McCumber or Davis rolls or Pembina annuity rolls made from the 1860's thru the 1880's. In an attempt to secure lands and services under the Indian Reorganization Act of 1934, a roll of the non-reservation Montana people was prepared. This Roe Cloud Roll of Landless Indians of Montana, completed in the 1940's and based on applications filed between 1936 and 1940, contains tribal, mixed tribal and blood quantum designations for the enrollees. Apropos of our comments on the Rocky Boy 1917 rolls, we have no evidence that the Chippewa designations on the Roe Cloud Roll are not synonymous with Pembina.

As mentioned earlier, some of the landless people are traditional Bungi. They are, as such, quite visible in the Great Falls, Montana community known as "Hill 57" (from an areal survey). Others, but primarily Metis, are well established as residents of other parts of Great Falls, and of Chinook, Helena, Hays and Wolf Point. We can only suspect that perhaps several thousand of these people will be able to establish Pembina ancestry. The present incomplete 1863 Pembina roll is, unfortunately, not yet of value in projecting numbers of eligibles. Since the 1905 Pembina award is not essentially for a reservation taking, but for a much more extensive aboriginal land taking, descendants who will have proved Pembina ancestry to a pre 1905 date would be eligible to participate. The North Dakota aboriginal Pembina lands were used and occupied by the Pembinas even prior to 1863.

C. IDENTIFYING THE BENEFICIARIES AND DIVIDING THE FUNDS

We identify the Turtle Mountain Band of Chippewa Indians as presently constituted, the Chippewa Cree Tribe, the Minnesota Chippewa Tribe as representative of the White Earth Reservation Pembinas, and American Pembina descendants (U. S. citizens) of at least one-quarter Pembina Chippewa blood to be the beneficiaries of the 1905 Pembina award.

The Turtle Mountain Band

The Turtle Mountain Band is organized under a revised constitution and bylaws which was approved on June 16, 1959. The organization is not formed under the provisions of the Indian Reorganization Act. The constitution provides in Article III, Section 1, that membership consists of (a) all persons whose names appear on the roll prepared pursuant to Section 2 of the Act of May 24, 1940 (54 Stat. 219), and approved by the Secretary of the Interior on March 15, 1943, and (b) all descendants of persons whose names appear on the roll defined above who possess one-quarter or more "Indian blood" and who are not "domiciled in Canada". Section 3 defines "domicile" as a permanent residence.

Continuing uncertainty and confusion over band membership and Indian status in the Turtle Mountain area, other parts of North Dakota and Montana demanded extraordinary enrollment measures. These measures finally appeared in the above-cited 1940 Act which provided that membership would consist of: (1) all Indians carried on the offical census roll of the Turtle Mountain Reservation as of the date of the Act and (2) all unenrolled Indians who were members of the band or bands which constituted the Turtle Mountain Tribe prior to October 8, 1904, but who failed to apply for enrollment on the Davis Roll closed on that date, and their descendants of one-half or more Indian blood. The Act further provides for maintaining the roll current and enrolling descendants of those previously enrolled who are at least one-fourth blood. The Act precluded those domiciled in Canada from enrollment.

The official census roll referred to in the Act was a continuation of the Davis Roll of 1904 (never actually closed) which was, in turn, based on the McCumber Roll of 1892. Many Montanans exhibited little interest in enrolling with Turtle Mountain in the 1940's and were seeking a Montana land base.

Wrong

We find the modern Turtle Mountain Band to be a tribal successor to the Pembina Band of the period 1892-1905 and earlier. The present enrollment of the band is over 19,000, primarily Metis with the Bungi element comprising a small but conspicuous traditional Plains Ojibwa society. Politically, the continuity of the Turtle Mountain Band with the Pembina Bungi - Metis chiefs and councilors of the 1863 and 1892-1905 periods is now well established. Territorially, it is the modern Turtle Mountain Band which most strongly represents the elements continually occupying the Red River - Turtle Mountain homeland (there are still Pembinas in Red River communities such as St. Joseph and Walhalla). We have, in this report, been attentive to the membership continunity of the Turtle Mountain Band while noting inconsistencies and other problematic factors. There is no evidence, however, that present band members do not derive from ancestors who themselves derive from the Red River - Turtle Mountain homeland and the Plains Ojibwa societies associated with that area. In contrast with the concerns expressed by this Bureau in researching 1863 Pembina, it is now evident that a surprising number of Metis are able to trace to old Pembina annuity rolls.

Culturally, as emphasized above, both elements traditionally associated with the Pembina Band, namely Bungi and Metis, are found within the Turtle Mountain Band; and both languages are much in evidence.

The Chippewa Cree Tribe

We find the Chippewa Cree Tribe of Rocky Boy's Reservation, insofar as it is representative of Pembina descendants duly enrolled as tribal members, to be a tribal successor to the Pembina Band of the period 1892 - 1905. The tribal membership is presently about 2700. Those tribal members whose Indian ancestry is derived solely from non-Chippewas, such as Crees, would not be included for purposes of determining a Chippewa Cree share of the funds.

The tribe is organized under the IRA with a constitution and bylaws approved November 23, 1935. Membership in the tribe is governed by Article II of the constitution which specifies a blood quantum criterion, at least one-half, for children born to a non-resident member. The constitution provides also for "any Indian" of one-half or more blood, a resident of Montana and not a member of any other "reservation" [tribe] to be admitted to membership by vote of the members. Although the constitution does not specify a blood quantum for resident members, the majority of the members would be at least one-half blood. Most Metis within the tribe would be classed as one-half and the Bungi as full blooded.

The Minnesota Chippewa Tribe (White Earth Pembinas)

Unlike the situation of the Turtle Mountain Band, the Chippewa Cree Tribe or any other organized tribe, the Pembinas within the Minnesota Chippewa Tribe have an officially established Pembina Band designation. In terms of formal tribal enrollment, this designation first appears in the tribe's base membership roll, the annuity roll as corrected by the tribe of April 14, 1941. At that time about 600 individuals were designated as White Earth Pembinas. Today there are 1,193 White Earth Pembinas. The band is by far the smallest of the historic bands comprising the Minnesota Chippewa Tribe.

The Minnesota Chippewa Tribe, encompassing six reservation entities (the Red Lake Reservation Chippewas are separately organized), is constituted under the Indian Reorganization Act. The tribe's revised constitution and bylaws was approved on March 3, 1964. Article II, in Sections 1 and 2, contains the following membership provisions:

Sec. 1

(a) Basic Membership Roll. All persons of Minnesota Chippewa Indian blood whose names appear on the annuity roll of April 14, 1941. . . as corrected by the Tribal Executive Committee and ratified by the Tribal Delegates, which roll shall be known as the basic membership roll of the Tribe.

(b) All children of Minnesota Chippewa Indian blood born between April 14, 1941, the date of the annnuity roll, and July 3, 1961, the date of approval of the membership ordinance by the Area Director, to a parent or parents, either or both of whose names appear on the basic membership roll. . .

(c) All children of at least one quarter (1/4) degree Minnesota Chippewa Indian blood born after July 3, 1961, to a member. . .

Sec. 2. No person born after July 3, 1961, shall be eligible for enrollment if enrolled as a member of another tribe, or if not an American citizen.

Through tribal policy, as supported by this Bureau and the Congress, Minnesota Chippewa tribal members are each limited to one historic band designation and regardless of mixed band ancestry cannot change such designation. Pembinas within the tribe have not participated in any Mississippi or Pillager band awards and will not be participating in any Lake Superior band awards.

We find the Minnesota Chippewa Tribe, insofar as it is representative of those Pembinas who settled on White Earth Reservation, to be a tribal successor to the Pembina Band of 1892-1905 during which period the White Earth Pembinas continued to maintain their interest in the aboriginal North Dakota lands.

Pembina Descendants Entity

We have previously described some of the rolls which might be employed in identifying Pembina descendants not enrolled with the Turtle Mountain Band, the Chippewa Cree Tribe, or the Minnesota Chippewa Tribe. In the interests of maintaining parity with the enrollment criteria and the situations of the organized beneficiary tribes, we recommend that Pembina descendants be required to establish a minimum of one-quarter Pembina Chippewa blood quantum in order to participate. The attached Draft Proposal so provides.

Dividing the Funds

The funds in the 1905 Pembina award are to be divided among the Turtle Mountain Band, the Chippewa Cree Tribe, the Minnesota Chippewa Tribe and the Pembina Descendants entity on the basis of the respective numbers of Turtle Mountain Band members, Pembinas within the Chippewa Cree Tribe, Pembinas within the Minnesota Chippewa Tribe and eligible Pembina descendants as of the date of legislation for the disposition of the funds.

The attached Draft Proposal is based on the findings and recommendations contained in this report. The proposal does not include provisions for the disposition of the respective shares of the three organized beneficiary tribes. The use and distribution of the tribal shares will be the subject of appropriate resolutions and proposals developed by each of the tribes.

/s/ William E. Hallett

Commissioner of Indian Affairs

Attachment

COPY OF TREATY No. 6

BETWEEN

HER MAJESTY THE QUEEN

AND THE

PLAIN AND WOOD CREE INDIANS

AND

OTHER TRIBES OF INDIANS

AT

FORT CARLTON, FORT PITT AND BATTLE RIVER WITH ADHESIONS

ADHESION BY CREE INDIANS

WHEREAS, Big Bear, a Cree Chief, on behalf of his Band, comprising thirty lodges, inhabitants of the country covered by the treaty commonly known as "Treaty Number Six," made between Her Majesty the Queen, by Her Commissioners the Honourable Alexander Morris, the Honourable James McKay and the Honourable William Joseph Christie, of the one part, and the Plain and Wood Cree Tribe of Indians of the other part at Carlton, on the twenty-third and twenty-eighth days of August, and near Fort Pitt on the ninth day of September, in the year of Our Lord one thousand eight hundred and seventy-six, who have not yet given in their adhesion to the said Treaty, have presented themselves to Allan Macdonald, Esq., Indian Agent of Treaty Number Four, and expressed a desire to join in the same treaty; and whereas the said Indian Agent has recognized the said "Big Bear" as the Chief of their Band.

NOW THIS INSTRUMENT WITNESSETH, that the said "Big Bear," for himself and on behalf of the Band which he represents, does transfer, surrender and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of Her Government of the Dominion of Canada, all his right, title and interest whatsoever, which he has held or enjoyed, of, in and to the territory described and fully set out in the said treaty; also all his right, title and interest whatsoever to all other lands wherever situted, whether within the limits of any other treaty heretofore made or hereafter to be made with Indians, or elsewhere in Her Majesty's territories. To have and to hold the same unto and for the use of Her Majesty the Queen, Her heirs and successors forever. And do hereby agree to accept the several benefits, payments and reserves promised to the Indians, adhering to the said treaty at Carlton and Fort Pitt on the dates above mentioned; and further, do solemnly engage to abide by, carry out and fulfil all the stipulations, obligations and conditions contained on the part of the Indians therein named, to be observed and performed, and in all things to conform to the articles of the said treaty as if the said "Big Bear" and the Band which he represents had been originally contracting parties thereto, and had been present at the treaty at Carlton and Fort Pitt, and had then attached his signature to the said treaty as Chief of the said Band.

IN WITNESS WHEREOF, Allan Macdonald, Esquire, Indian Agent, and the said "Big Bear," Chief of the said Band, hereby giving his adhesion to the said treaty, have hereunto subscribed and set their hands at Fort Walsh, in the said North-West Territories, this eighth day of December, in the year of our Lord one thousand eight hundred and eighty-two.

Signed by the parties hereto, in the presence of the undersigned witnesses, the same having been explained to the Indians by the said Allan Macdonald, Esq., Indian Agent, through the Interpreter, Peter Hourie and Louis Leveillee.

his
JOE x TANNER,
mark.
PETER HOURIE,
his
LOUIS x LEVEILLEE, ✓
mark.
his
PIE x A POT, *Chief.*
mark.

A. G. IRVINE, *Lieut.-Col., Com. N.W.M.P.*
JOHN COTTON, *Superintendent and Adjutant, N.W.M.P.*
AUGUSTUS JAKES, M.B., F.S.C., Lond., *Surgeon, N.W.M.P.*
FRANK NORMAN, *Inspector, N.W.M.P.*
A. SHURTLIFF, *Superintendent, N.W.M.P.*
W. R. ABBOTT, *Sergeant-Major, N.W.M.P.*
W. ROUTLEDGE, *Corporal, N.W.M.P.*
ALLAN MACDONALD, *Indian Agent, Treaty No. 4.*
his
BIG x BEAR, (*Chief.*)
mark.

Membership in Turtle Mountain
Tribe

[illegible]

February 10, 1939. J-3

Memorandum to the
Commissioner of Indian Affairs:

I am returning herewith for further consideration a letter to the Superintendent of the Turtle Mountain Agency concerning methods of determining membership in the Turtle Mountain Tribe and of enrolling tribal members.

I agree with the main decision stated in the letter that the McCumber Commission roll of 1904 should be considered as final only for the purpose of determining the right to allotment and not as a final roll determining tribal membership for all purposes, despite the previous contrary attitude of the Department. However, I believe the instructions to the superintendent as to his procedure for correcting the situation need clarification and revision.

[illegible]

The second paragraph on page 2 directs the superintendent to disregard the office instructions of 1932 concerning the rules to govern the enrollment of descendants for census purposes only and to remove from the names of persons enrolled on the census list the notation that they were enrolled for census purposes only. However, the first paragraph on page 3 advises the superintendent to call a general council of the Indians to consider adopting as the rules governing tribal membership the rules proposed for the definition of Turtle Mountain Indians for the purpose of land purchase in the proposed legislation to authorize land purchase for Turtle Mountain Indians. In the second paragraph on page 3 it is stated that if the band adopts these rules the persons covered by the rules would then be entitled to enrollment for full membership rights, including the persons now on the census list. The first paragraph on page 4 directs that the action of the general council in accepting the proposed rules or in proposing substitute rules should be submitted to the Washington office. The last sentence of the letter directs the superintendent, pending final disposition of the matter, to proceed to enroll (evidently as tribal members) all the children for whom birth certificates are furnished born to enrolled Turtle Mountain Indians.

From the foregoing it will be seen that the instructions to the superintendent are inconsistent in that they direct him to proceed with the determination of tribal membership by removing the census notations and enrolling descendants but also direct him to submit the question to the Indians for their consideration of the rules which should govern the determination of tribal membership.

If such rules are to be worked out with the Indians, I suggest that the status of the persons now on the census list and the method of enrollment be unchanged until new rules have been promulgated in order to avoid the legal complications which may result from action by the superintendent recognizing certain persons as members of the tribe when these persons may not be entitled to membership under the rules finally adopted. In other words, I suggest that the superintendent be instructed to continue the practice followed by his office in the past of enrolling descendants for whom birth certificates arepresented on the census list with the notation that they are enrolled for census purposes only and that no action be taken to remove such notation in the case of persons already on the census list until it is decided what persons shall be entitled to recognition and enrollment as members of the tribe.

As regards the substance of the rules suggested for acceptance by the general council, I presume there is some paramount reason why the Department should suggest the inclusion as tribal members of all persons of Turtle Mountain Indian descent regardless of their residence or place of birth or degree of blood or tribal relations, contrary to the previous principles enunciated by the Department to govern the determination of tribal membership. Moreover, the rules proposed by the Indian Office would include an indefinite number of persons now not enrolled on either the 1904 tribal roll or the census list and whose names and whereabouts are presumably unknown. Because of the administrative and legal complications which would undoubtedly result from such a sweeping recognition of tribal membership, I would advise against the adoption of such rules unless your office has determined that there is no other means of relief for the scattered Indians and of reuniting a dispersed tribe.

In this connection I note that there is no indication that the rules defining who is a Turtle Mountain Indian for the purpose of land purchase in the proposed legislation have been or are being submitted for the consideration of the Indians. If one of the aims of the Indian Office is to have the rules defining who is a Turtle Mountain Indian for land purchase the same as the rules defining who is a Turtle Mountain Indian for all tribal membership purposes, it might be advisable to open to the Indians' consideration the rules to govern the former as well as the rules to govern the latter.

Nathan R. Margold

Solicitor.

Senator **Andrews**. Let me also add that there are a group of Montanans here to testify on their part of the bill. I know that they are most interested in having that section chaired by Senator Melcher, my colleague from Montana, who is a good friend and a valued member of this committee.

Senator Melcher and I served together in the House. I am privileged to serve with him in the Senate. He is tied up in some very important markups in the Energy Committee, on which he serves.

Because of that, I will relinquish the Chair to his staff member on the committee, Virginia Boylan, who in her position as chairperson will be in the position to recess the committee until Senator Melcher can come.

If he is not able to come, then I am sure Ms. Boylan will chair the hearing.

So, those of you who have traveled all the way from Montana will not have to be detained or delayed unnecessarily.

So, madame chairperson, please take over. You are in business.

Ms. **Boylan** [acting chairman]. The next witness is John Windy Boy, chairman, Chippewa Cree Tribe of the Rocky Boy's Reservation, Box Elder, Mont.

He is accompanied by Mark Suagee, tribal attorney; Gary Richardson, tribal business manager; and Joe Demontigny, tribal member.

Let me apologize to all the witnesses for Senator Melcher. He would like to meet with you after this hearing downstairs in room 3110, where he is now tied up and will be for some time.

So, please come forward now and present your testimony. I take it that Mr. Denney is not here? We will duly note that.

Please proceed.

STATEMENT OF JOHN WINDY BOY, CHAIRMAN, CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION, BOX ELDER, MONT., ACCOMPANIED BY MARK SUAGEE, TRIBAL ATTORNEY; GARY RICHERSON, TRIBAL BUSINESS MANAGER; AND JOE DEMONTIGNY, TRIBAL MEMBER

Mr. **Windy Boy**. Thank you, Madame Chairperson, and members of the committee, my name is John Windy Boy and I am the chairman of the Chippewa Cree Tribe.

With me today are our tribal attorney, Mark Suagee, and our director of business, finance, and economic development, Gary Richerson.

Also with me here to my right, is one of our tribal members, and formerly chairman of the tribe, Joe Demontigny.

Ms. Chairman, we are very glad to be here today to testify on this proposed distribution of money awarded the Pembina Chippewas in the Court of Claims.

We have prepared a short statement to read today and will prepare a more extensive statement for later inclusion in the record. If you have any questions, we will answer them for you.

Ms. **Boylan**. Without objection, that will be placed in the record when received.

Mr. Windy Boy. Our Rocky Boy's Reservation in Montana is the home of Chippewas and Crees and not all of our people will receive this distribution. This bill will distribute per capita payments to Pembina Chippewa descendants and to tribal government. As it is written, the government of our people is going to receive the interest and investment income on 20 percent of the award invested by the Secretary of the Interior.

We have passed a tribal resolution, No. 67–81, which requests the use of 20 percent of our share of these funds for use by the tribal government. To explain our position on this bill requires some description of our reservation and our people's condition.

Rocky Boy's Reservation lies in the Bear Paw Mountains near Havre. It is in north central Montana where the winters are long and cold. Our reservation totals some 108,015 acres and is held in tribal ownership. Because the reservation was not created until 1916, our lands have not been allotted.

Rocky Boy's is the smallest and most recently created of the Montana Indian reservations. Our land is beautiful but it is also undeveloped. The few economic ventures currently in operation return a small income to the tribe.

We have been trying for the past several months to improve this situation from our own resources, both land and people.

While we readily admit as a tribe we are hard pressed by the current decrease in Federal moneys and programs, we are not intending to sit down and do nothing.

Last fall we hired a professional businessman to assist us in economic development. Since that time, we have taken steps to develop a better management system in our accounting and in overall administration of our programs. We are implementing a centralized administrative structure to better serve our people with what little we currently have, in income and personnel.

Our tribal government has attempted to improve the economy of our reservation and local area through the locating of a slaughter house and packing plant on the reservation. This project would provide employment to over 160 of our people, in addition to increased income through tribal taxation, rents from land use, and a share of distributed profits. The plant would utilize professional and proven management with an operating plan which would preclude tribal political pressures from interfering with normal business operation.

Our tribe is trying in these ways, and also in development of our other natural resources, to become more self-sufficient and capable in terms of the modern business world. As you know, Mr. Chairman, we are also Indians. We were hunting buffalo on the Northern Plains 100 years ago. Many of our people still have a hard time, and they are impatient with their elected representatives, their tribal government. They want us to do something for them. Our unemployment rate is about 80 percent. That shows we have a way to go yet.

Mr. Chairman, in this context, the share of our distribution going to Government use is crucial. It is not going to be a lot of money, but it will be something to work with. We have given careful consideration to the views of our people expressed at our public meeting, and we are considering our needs as we the elected leaders perceive them.

Our professional staff, two of whom are here today, are also presenting for your consideration, alternative uses for this distribution.

In our prepared statement, which we will submit, will be a more detailed and extensive discussion of our goals. I will summarize our version of the plan here. First, we request that the full 20 percent, interest and principal, be made available for the uses previously identified.

Given the relatively high interest rates currently in effect and the reduced Federal subsidies available, if any meaningful development is to take place, the tribe must be free to utilize the most creative of financial arrangements.

Second, we would like deleted from S. 1735 any reference to spending limits on such 20-percent portion. All expenditures would be in accordance with Tribal Resolution No. 67–81 and would serve to satisfy the needs and desires of the people pursuant to those concerns voiced at public meetings.

Last, Tribal Resolution 67–81 changes the language of S. 1735, as it relates to the use of the 20 percent, but does not preclude those projects. Rather, it allows more discretion in the use of the moneys, within general guidelines.

In summary, never have the times been more trying for Indian tribes; never has there been more demand on the part of Indian peoples for self-determination; never has the Federal Government been less willing to continue assistance; never will we have this opportunity again.

Now is the time for progress. Now is the time for tribal government to cast off the shroud of ineptitude and take command of their future. This is our money, compensation for land held in aborginal title by our ancestors, and taken by the U.S. Government.

We ask only to be allowed to use the proceeds of our claim in the manner that we determine and for it to be free from undue control by the Interior Department. We are gratified to see the introduction of this bill and we will be even more gratified to see our concerns addressed in a manner that will allow my people to progress.

Thank you, Mr. Chairman, and members of the committee, for your time this morning. If you have any questions, hopefully, we can answer them.

Ms. **Boylan.** Thank you.

Does anyone else at the witness table have a statement to make?

Mr. **Windy Boy.** Mr. DeMontigny has something, I think.

Ms. **Boylan.** Mr. DeMontigny, please proceed.

Mr. **DeMontigny.** Members of the committee, I wish to talk about our involvement as Pembina claims.

My dad was born and raised on the Turtle Mountain Indian Reservation. This is north of Belcourt.

There were considerable land transactions taking place in 1914 and 1915.

Chief Rocky Boy was granted 1.4 million acres near the Fort Peck Indian Reservation which is part of Montana. However, he refused to settle on these lands due to the conditions where the land was barren and there was no material to build homes with and nothing to use for fuel. Later these same lands were awarded to the Turtle Mountain Chippewas.

This is for allotments. However, for the same reason many of the Turtle Mountain people moved further west, joining the Rocky Boy

Band near the vicinity of Haven, Mont. In 1916, a small portion of Fort Estee Military Reserve was set aside for Rocky Boy's Band, which is now known as the Rocky Boy's Reservation.

When the census was taken in 1917, these Turtle Mountain people were included in the Rocky Boy's Band. One was my father. There were a good many people, names who are familiar on the Turtle Mountain Reservation. This proves that they originated from the Turtle Mountain Reservation. I want to thank you for the opportunity to clarify our involvement.

Ms. **Boylan.** I have one question. This is my interest in history.

You said that some were given allotments near Fort Peck, but they were not reservation land, as I understand it; is that correct?

Mr. **Demontigny.** No; it was allotted to the Turtle Mountain. Chief Rocky Boy refused to settle.

Ms. **Boylan.** They were allotted at Turtle Mountain on the reservation? Was it on the reservation at Turtle Mountain, or, was it just allotted lands that were not connected?

Mr. **Demontigny.** They were just allotted lands. Incidentally, I inherited a portion.

Ms. **Boylan.** I want to mention one thing. As I understand it, and correct me if I am wrong, this is the first judgment ever awarded to the Rocky Boy's Reservation; right?

Mr. **Windy Boy.** That is right.

Ms. **Boylan.** On your proposed amendment to use the principal of the 20-percent setaside, to use the entire principal for tribal economic programs, do you have a clear expression from your tribal membership that they would approve this expenditure?

Mr. **Windy Boy.** From the members?

Ms. **Boylan.** Yes.

Mr. **Windy Boy.** No.

Ms. **Boylan.** Can you get that for us?

Mr. **Windy Boy.** Yes.

Ms. **Boylan.** The second point is this.

You talked about the spending limits. I guess it is pages 4 and 5 of the bill where there are listed very specific projects.

You have a proposed amendment that you are going to submit to replace that; is that correct?

If you have that we would like to have it for the record.

Mr. Windy Boy, in your statement you mentioned that you wanted an amendment to delete the spending limits.

Mr. **Suagee.** That is a referendum.

Ms. **Boylan.** Yes; that is agreed to.

I guess on pages 4 and 5 of the bill they talk about development of tribal administration and land acquisition and development. You want to delete that and have it more general?

Mr. **Suagee.** Yes; that is correct. Resolution 67-81, passed by the tribal council, reestablishes more general purposes to put that money to, which still allows, as Mr. Windy Boy stated, essentially more discretion.

Ms. **Boylan.** Will you submit that for the record?

Mr. **Suagee.** I think it has been submitted already.

Ms. **Boylan.** Without objection, a copy of that will be placed in the record at this point.

[The resolutions follow:]

MICROFILMED FROM
BEST AVAILABLE COPY

[illegible] Chiefs, Head Men, Heads of Families, and Individuals of the Pembina [illegible]

[illegible] acknowledge the receipt and payment to us by Edw'd P. Smith, United States Indian Agent, of Five Thousand [illegible] Dollars, as follows, to wit: The sum of $ 5000 [illegible] Dollars, in United States money, in the sums set opposite our respective names, and [illegible] Dollars paid by our direction for claims allowed in Council, the same being the full amount of money [illegible] due our said Bands for the year 1871.

NAMES Little Shells Band	Marks	Men	FAMILIES Women	Children	Total	Distributive Share Dollars	Cents	Amount Paid Dollars	Cents
Nay gesh ge zhick Chief	X	1	1	4	6	8	50	51	00
Nah Kay Kosh uck	X	1	2	2	5	"	"	42	50
Nay sah Ko me gay	X	2	1	1	4	"	"	34	00
Mary Lu	X	1	2	8	11	"	"	93	50
Ash uch ta wunand	X	1	1	3	5	"	"	42	50
Ma ne ge zhick naib	X		2	2	4	"	"	34	00
Ah shee ge zhick naub	X	1	2	2	5	"	"	42	50
Mishe Kesh	X	1		1	2	"	"	17	00
Mah Ka Ka me gay	X	1	1	3	5	"	"	42	50
[illegible] wunah ke un tah	X		1	5	6	"	"	51	00
[illegible] ge zha [illegible]	X		1	1	2	"	"	17	00
[illegible]	X		[illegible]		5	"	"	42	50
Mis [illegible]	X		1	2	3	"	"	25	50
Louis [illegible]	X	1	1		2	"	"	17	00

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The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone 395-4478 or 395-4727 · Rocky Boy Route · Box Elder, Montana 59521

A RESOLUTION NO: 56-82

TO AMEND RESOLUTION NO. 67-81

TO CHANGE SENATE BILL S. 1735 ON THE USE OF THE TWENTY PER CENTUM OF FUNDS WHICH THE BUSINESS COMMITTEE IS AUTHORIZED TO PROGRAM

WHEREAS, THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE IS THE GOVERNING BODY OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION, MONTANA BY THE AUTHORITY OF THE CONSTITUTION AND BY-LAWS OF THE CHIPPEWA CREE TRIBE APPROVED ON THE 23RD DAY OF NOVEMBER, 19835, AND,

WHEREAS, the Chippewa Cree Business Committee is currently being faced with large cutbacks in program funds, and,

WHEREAS, the Chippewa Cree Business Committee is committed to protect the future of the Tribe and its resources, and,

WHEREAS, the budget cutbacks have almost stopped the tribe in their efforts to create employment through business development, and,

WHEREAS, the elimination of the Indian Action Program and the BIA Commercial Development Program will further restrict the efforts of the Business Committee to become self-sufficient, and,

NOW THEREFORE BE IT RESOLVED, that the Chippewa Cree Business Committee is requesting that Senate Bill S. 1735, a bill to provide for the use and distribution of funds rewarded the Pembina Chippewa Indians in dockets, numbered 113, 191, 221, and 246 of the Court of Claims, changed to delete lines 12 through 19, page 4, Section 4. part (2), and page 5, lines 1 through 10.

To add: page 4, line 12, (2) twenty per centum of such funds shall be used by the Chippewa Cree Governing body for the benefit of the Chippewa Cree Tribe. The governing body of the Chippewa Cree Tribe is authorized to use such funds as necessary for purposes listed:

- (A) Economic Programs
- (B) Recreation
- (C) Tribal Administration

BE IT FURTHER RESOLVED, to change Senate Bill S. 1735 on the use of the twenty per centum of funds which the Business Committee is authorized to program. The results of the Public Hearing held 8-23-82 are that the twenty per centum (20%) will be used as the list above.

CERTIFICATION

I, THE UNDERSIGNED, AS SECRETARY OF THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS, OF WHOM 8 MEMBERS, CONSTITUTING A QUORUM, WERE PRESENT AT A MEETING, DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD THIS 24th DAY OF August 1982, AND THAT THE FOREGOING RESOLUTION WAS DULY ADOPTED, AT SUCH A MEETING, BY AFFIRMATIVE VOTE OF 5 MEMBERS FOR AND 2 MEMBERS AGAINST AND THAT THIS RESOLUTION HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.

CHAIRMAN, BUSINESS COMMITTEE

SECRETARY/TREASURER, BUSINESS COMMITTEE

NOTED

RECEIVED

APPROVED

FORWARDED

The Chippewa Cree Tribe of the Rocky Boy's Reservation
Phone 395-4478 or 395-4727 · Rocky Boy Route · Box Elder, Montana 59521

A RESOLUTION NO: 67-81

TO CHANGE SENATE BILL S.1735 ON THE USE OF THE TWENTY PER CENTUM OF FUNDS WHICH THE BUSINESS COMMITTEE IS AUTHORIZED TO PROGRAM

WHEREAS, THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE IS THE GOVERNING BODY OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S INDIAN RESERVATION, MONTANA BY THE AUTHORITY OF THE CONSTITUTION AND BY-LAWS OF THE CHIPPEWA CREE TRIBE APPROVED ON THE 23RD DAY OF NOVEMBER, 1935, AND,

WHEREAS, the Chippewa Cree Business Committee is currently being faced with large cut backs in program funds, and,

WHEREAS, the Chippewa Cree Business Committee is committed to protecting the future of the tribe and it's resources, and,

WHEREAS, the budget cut backs have almost stopped the tribe in their efforts to create employment through business development, and,

WHEREAS, the elimination of the Indian Action Team Program and the BIA Commercial Development Program will further restrict the efforts of the Business Committee to become self sufficient, and,

NOW THEREFORE BE IT RESOLVED, that the Chippewa Cree Business Committee is requesting that Senate Bill S. 1735, a bill to provide for the use and distribution of funds rewarded the Pembina Chippewa Indians in dockets, numbered 113, 191, 221, and 246 of the Court of Claims, changed to delete lines 12 thru 19, page 4, Section 4. part (2), and page 5, lines 1 thru 10.

To add: page 4, line 12, (2) twenty per centum of such funds shall be used by the Chippewa Cree Governing body for the benefit of the Chippewa Cree Tribe. The governing body of the Chippewa Cree Tribe is authorized to use such funds as necessary for purposes listed:

(A) Economic Programs.
(B) Development of a Tribal Administration Complex or,
(C) Tribal Administration.

BE IT FURTHER RESOLVED, to change Senate Bill S. 1735 on the use of the twenty per centum of funds which the Business Committee is authorized to program

The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone 395-4478 or 395-4727 · Rocky Boy Route · Box Elder, Montana 59521

CERTIFICATION

I, THE UNDERSIGNED, AS SECRETARY OF THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS, OF WHOM 7 MEMBERS, CONSTITUTING A QUORUM, WERE PRESENT AT A MEETING, DULY AND REGULARLY, CALLED, NOTICED, CONVENED AND HELD THIS DAY 22nd OF Dec. , 1981, AND THAT THE FOREGOING RESOLUTION WAS DULY ADOPTED AT SUCH MEETING BY THE AFFIRMATIVE VOTE OF EIGHT MEMBERS FOR 6 AND 0 MEMBERS AGAINST, AND THAT THIS RESOLUTION HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.

CHAIRMAN, BUSINESS COMM.

NOTED________________

APPROVED________________

DISAPPROVED________________

SECRETARY, BUSINESS COMM.

RECEIVED________________

FORWARDED________________

Ms. Boylan. We can use that. We thank you for that.

I also understand that the BIA would like that referendum provision removed. I do not think we will have any problem with that.

Mr. Suagee. We have discussed the matter of having another hearing. I think, given the comments made earlier regarding the accuracy of the record taken from that hearing, that that would be the most appropriate thing to do to insure that all the tribal members are clear as to what the purposes are.

Ms. Boylan. That is an excellent idea. It will give the committee more direction in determining how to amend this bill if we need to.

I want to thank you very much, gentlemen.

Our last witness today is George Plummer, tribal council member for the Little Shell Tribe of Chippewa Indians of Montana, Missoula, Mont.

He is accompanied by M. Richard Gebhardt, tribal attorney; and Debra Swanson, member, Little Shell Tribe of the Chippewa Indians of Montana. We welcome you here today.

You may proceed.

STATEMENT OF GEORGE PLUMMER, TRIBAL COUNCIL MEMBER, LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA, MISSOULA, MONT., ACCOMPANIED BY M. RICHARD GEBHARDT, TRIBAL ATTORNEY; AND DEBRA SWANSON, MEMBER, LITTLE SHELL TRIBE OF THE CHIPPEWA INDIANS OF MONTANA

Mr. Plummer. Thank you, Madam Chairperson.

I am George Plummer from Montana. I am the assistant chairman. The chairman is sick and cannot make this meeting.

But I will do my best to represent him and the tribe.

Like Senator Andrews said, we are not out here to drag the blood through the Halls of Congress. All we are here for is to get our share, our legal share. If you want the history of our association and our tribe, I will try to give it to you the best I can. Are you ready?

Ms. Boylan. Are you talking about the band that you formed for recognition purposes? Or, are you talking about the ancient history of the landless?

Mr. Plummer. I am talking about the first part.

I am 75 years old. This thing has been going on for 70 years, that I know of. We are, that is, our first elected chairman of the tribe was Joe Dussome. He started this in Montana in Phillips County. If you know where Phillips County is, that is it.

This dragged along. He took up where Little Shell left off after Little Shell passed away.

This was the so-called claim with the Federal Government.

We wanted land at that time. Little Shell would not accept the Ten-Cents Treaty. He wanted more money or the land. He did not get either one of them. Joe Dussome took it up. As we went along, our people were kicked from post to pillar. It is easy to understand that because they took all of our rights away from us.

In talking about Turtle Mountain, now, Little Shell was kicked out of Turtle Mountain because they said there was not enough room there for him. They said for him to go to Montana where there was a lot of buffalo. He could feed his people there. He did that. He wanted to go back to Turtle Mountain but they said there was not enough room. So eventually he stayed in Montana.

The land commissioners, agents of Turtle Mountain, said there was lots of land in Montana. There is a lot of land and we still have a lot of land in Montana. But we have nothing to work with. We were not recognized as a tribe or nothing. It worked down today so we cannot even get a grant to come here to testify. We cannot get our share as to what we represent; that is, we could not even get a grant for that. We have to come here all on our own. Everyone of us comes here on his own.

I think that this deal comes to this: We do not want to fight with anybody. We do not want to shed blood, but all we want is a fair share. Senator Melcher knows our position very well.

We were all enrolled, that is, my people were all enrolled in 1934 with Dr. Roe Cloud who was sent out by the Bureau of Indian Affairs. I was just a young boy. I talked with Dr. Roe Cloud. I did not know what he was there for. Of course, he went to my mother and dad and told them what he was there for. He did enroll us.

As near as I know now, the BIA has recognized the Roe Cloud enrollment. They told us that at Helena, Mont., on January 10, 1981. We had a hearing there in Helena at the capitol building. So, from there, we have been working. We do not want any land. We are not craving for any land. All we want is our just rights.

In other words, we are just the tip of the iceberg from the Pembina and Turtle Mountain and White Earth and all the rest of them. That is how we are situated. I cannot say too much more right now, but our attorney will explain more why we are here at this time.

Mr. **Gebhardt**. I am Richard Gebhardt.

Under the provisions of Senate bill 1735, we believe that the Little Shell Tribe has been discriminated against in that they are being required to have one-quarter blood. The committee has heard that previous to today. Everybody is pretty much in agreement. We dislike that. We are also an organized tribe. We have incorporated. That was way back in the early 1930's.

Joseph Dussome first incorporated us and presently we are still that body of Indians, and we still believe that body of Indians speaks for the Little Shell Band of Montana.

We also see this bill as discriminating against us, once again, in that we are not being recognized as a tribe or as an independent entity. The three tribes that are being mentioned in the bill have the benefits that Little Shell's people have never had. Once again, we are being excluded.

I noted in our statement to you what changes we would like to see in the bill. I inserted the $5,000 tribal budget limit, hoping that would not create more problems. But it sounds as though the committee has that problem already. So, we are also in support of eliminating that particular thing.

The membership has completed an enrollment. We established the Roe Cloud enrollment in the 1930's. It has been adopted by the BIA. It has been adopted by our tribe as the origin of the tribe. Since that time, we also have enrolled other members, descendants of those persons in the Roe Cloud enrollment. As of last month, we closed the enrollment for those persons in the Pembina Band in Montana.

We also voted in that particular meeting to proportion the funds of 20 percent to the tribes and 80 percent per capita. The reason for that is that after this generation, there will be no more Pembina in Montana, according to the BIA.

The one-fourth blood will be diluted. It has been this long since the original awards and since the original problems came up. So we have fought to preserve our heritage by awarding 20 percent of that to the tribe to continue on with the programs and to continue on with the history of the tribe. Thank you.

Ms. **Swanson**. I am one of the lineal descendants of the Pembina Band. If this waiting continues, my generation will be the last of the Pembina.

The BIA and others feel that one-fourth blood quantum is the method by which this money is to be distributed. We of the Little Shell Band believe this to be totally wrong.

I am a member of the Little Shell Tribe of Chippewa Indians of Montana. I accept their leadership as a spokesman for our landless people. If the money distributed goes to individuals without any connection to the tribes, then our history will be gone. Our membership of approximately 3,000 people has voted to split the settlement and preserve our tribe. I thank you.

Ms. **Boylan**. I wonder how many people you have enrolled now? You say it is 3,000. That includes children and so on?

Ms. **Swanson**. Yes.

Ms. **Boylan**. If we change the one-quarter provision to say one-quarter Indian with Pembina Chippewa ancestry, would that satisfy the objections you have?

Mr. **Gebhardt**. No; it is Pembina. We are more concerned—it is one-quarter Pembina rather than one-quarter Indian?

Ms. **Boylan**. It is one-quarter Pembina Chippewa is the way the bill reads. What you are suggesting is eliminating the one-quarter blood?

Mr. **Gebhardt**. To lineal descendants.

Ms. **Boylan**. So anybody if they are one-eighth blood, even one-eighth blood with no other Indian blood, would be all right?

Mr. **Gebhardt**. That is correct. That is the only way we think it would be equitable for the people who live in Montana who have never had any of the benefits and not that they want a reservation. They have seen what reservations do. But the people in Montana do not want that.

Ms. **Boylan**. In other words——

Mr. **Gebhardt**. In answer to your question, it is yes.

Ms. **Boylan**. You have a clear expression from your membership that they would like 20 percent of their per capita setaside for tribal programs?

Mr. **Gebhardt**. Yes.

Ms. **Boylan**. Do you have any idea what type of tribal programs you would be doing? Do you plan to purchase some land for tribal headquarters or what? What do you have in mind?

Mr. **Gebhardt**. If it is necessary to purchase it, we would. If it is necessary to rent it, we would do that also.

It would be someplace where the heritage of the people can be preserved and the records and someplace that can administer some programs that other tribes have had, such as help for the elderly and education for the young.

Ms. BOYLAN. What is the status of your Federal recognition petition, which is in the Bureau now?

Mr. GEBHARDT. In the 1960's, two bills were introduced in the Senate to recognize the tribe. They went down the tubes.

Since that time we have not been able to find any grants or help or assistance in getting recognition. I believe at this time the BIA recognizes this, but it has not gone to the Department of the Interior or to the Secretary to recognize this.

Ms. BOYLAN. In a discussion with the Bureau officials a couple of days ago—and they have left the room so I am not sure about this—but they said they requested additional information from the Little Shell Tribe which they have not yet received. And, until they received that, they could not proceed any further with the recognition petition.

Mr. GEBHARDT. I have no understanding that they have ever asked us for any information in the recent history of 3 or 4 years.

Ms. BOYLAN. May I suggest, while you are in Washington, you go down and talk with the recognition people?

The other question is this. The landless Chippewas, the Pembina Chippewas who did not enroll in the Little Shell Band by the deadline; you are proposing that they would not receive any money? Is that what you are proposing? I am not clear on that.

Mr. GEBHARDT. No; we are not proposing that. You will notice in our statement that we still allow for the nonmember.

I would ask that our prepared statement be made a part of the record at this point.

Ms. BOYLAN. Without objection, so ordered.

[The statement follows. Testimony resumes on p. 159.]

STATEMENT OF
LITTLE SHELL TRIBE OF
CHIPPEWA INDIANS OF MONTANA ON S. 1735

On June 17, 1982, the Select Committee on Indian Affairs of the United States Senate will meet to discuss Senate Bill 1735. This bill's stated purpose is to provide for the use and distribution of funds awarded the Pembina Chippewa Indians by the Court of Claims. Much of the administrative, judicial and legislative history has been well followed by the Committee and is found elsewhere. The undersigned, being the Chairman, and the acting chairman of the Little Shell Tribe of Chippewa Indians of Montana submit the following statement in support of S. 1735 and in support of amendment to such bill.

HISTORY

As the Committee is aware, the Pembina band of Chippewa Indians has waited a long time. The wait began prior to 1886 as shown by a quotation of John W. Cramsie, U.S. Indian Agent for the Turtle Mountain Indians:

> "Too bad the Indians are not the lineal and direct descendants of Methuselah and inherit his longevity coupled with the patience of Jobe, that they might live to see some of the just obligations, established by precedent and treaty stipulations, fulfilled by the government."

The Landless Indians of Montana, now known as the Little Shell Tribe, are still waiting. In August of 1891 a committee was appointed to adjust the claims of the Chippewa-Cree. History tells us that the Indian agent, John Waugn, appointed a hand-picked group with whom he could work without interference. Little Shell, the leader of the group of the Pembinas living in Montana, had been pressuring Washington for some time in regard to their claims. Agent Waugn saw Little Shell's absence a way to strike 112 families living in Montana from the rolls. Report of the Commissioner of Indian Affairs for 1892 at 353. Little Shell had left Montana to find food as the Pembinas were starving on the Turtle Mountain Reservation. He was not being rewarded for his charity to his brothers.

The government then settled its claim with the selected families remaining. The treaty sold Nine Million Five Hundred Thousand (9,500,000) acres for One Million and No/100ths Dollars ($1,000,000.00); hence the term "Ten-Cent Treat".

Little Shell continued his protests by lawful means. He petitioned the government numerous times for a re-opening of the rolls and to grant the now termed "Landless Indians of Montana" some form of reparations. His people were without tribal affiliation, tribal or reservation lands and without government protection. He died unhappy for his people.

The other members of the Pembinas were given reservations: Turtle Mountain in North Dakota, Minnesota Chippewas, and the Cree Reservation at Rocky Boy, Montana. Little Shell's people were homeless.

A quiet man by the name of Joseph Dussome gathered the pieces together of the Montana Pembinas and continued where Little Shell had ended. In 1927 he organized the Abandoned Band of Chippewa Indians and in 1934 he incorporated the tribe under the name of "The Landless Indians of Montana".

Also in 1934, the Bureau of Indian Affairs sent to Montana a man by the name of Mr. Roe Cloud to conduct a census and roll of the landless Indians. He did as he was instructed and this step was the first major effort to treat the Montana Pembinas as a Tribe. This roll, as Roe Cloud compiled, serves as the basis for membership in the Little Shell Tribe of Chippewa Indians of Montana.

Another generation of time has passed and the children of the original Roe Cloud enrollees have adult children of their own. These one-half bloods are being diluted by the passage of time and if the Congress of the United States waits ten more years no half-bloods will exist. Time is passing, we have waited a long time.

The Little Shells sued this government under Docket 191 and in October 5, 1961 a final award was issued by the Indian Claims Commission. Joseph Dussome and the Little Shell Band of Chippewa Indians were recognized as a tribal entity to share equally with the other already established tribes. All through the long, arduous, litigation process we are the Little Shells, the Band of Landless Indians. We have not been given the benefits others have had and we want our fair share.

We are not asking for a reservation as our people have not had one all of these years and we can see what a reservation life can do to its Indian members. Our people have gone from abject poverty and an inability to even speak English to providing for themselves and their children.

We seek with our portion of the settlement to provide for our children. We want them to have educational and medical benefits that other tribes have been entitled to. We want our elderly to be taken care of and we want our sorrowful history preserved so that all persons can learn from mistakes. Most of all we want our identity. Chief Little Shell and Joe Dussome died trying to get it. We must accomplish it.

PROVISIONS OF S. 1735

As was stated previously, the Court of Claims recognized the Little Shell Tribe as a party in interest to the claim at

Docket 191. This recognition was not based upon blood quantum but of recognition of such persons as an independent entity. The general objections to the bill is that it unfairly discriminates against "nonmember Pembina - Chippewas" in its requirement of blood quantum. It also allows for tribal support in its distribution for all Pembina tribes other than the Little Shells.

We offer the following proposals for amendment if the Committee feels that the Little Shells have waited long enough:

1. Page 2, line 11 - Amend *"the nonmember Pembina descendants"* to *"the Little Shell Tribe of Chippewa Indians of Montana"*;

2. Page 2, line 24 - Amend *"the number of nonmember Pembina Chippewas"* to *"the number of members of the Little Shell Tribe of Chippewa Indians of Montana"*;

3. Page 6, commencing line 12, all of Section 6 renumbered to Section 7; Section 6 to be replaced substantially as follows:

   Section 6. (a) The funds allocated by Section 2 to the Little Shell Tribe of Chippewa Indians of Montana shall be used and distributed as follows:

   (1) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Little Shell Tribe of Chippewa Indians of Montana who are living on the date of the enactment of this Act.

   (2) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Little Shell Tribe of Chippewa Indians of Montana. The governing body of such Tribe is authorized to use the interest and investment income accrued on such 20 per centum portion, on an annual budgetary basis subject to the approval of the Secretary, for :

   (A) The administration of such Tribe, or

   (B) Social and economic programs.

   A proposed tribal budget utilizing Five Thousand and No/100ths Dollars ($5,000.00) or more of such interest or investment income in any fiscal year shall be subject to a tribal referendum in accordance with the Constitution and By-Laws of the Tribe. Such 20 per centum portion of the principle shall not be available for per capita payments.

4. Page 6, line 24 - Add *"the Little Shell Tribe of the Chippewa Indians of Montana"*; and

5. Add Section 9:

> *"The Secretary shall complete enrollment and shall distribute such funds within ninety (90) days after enactment into law."*

WHAT THE LITTLE SHELL TRIBE HAS DONE TO EXPEDITE DISTRIBUTION

The Little Shell Tribe has adopted the Roe Cloud Roll of Landless Indians of Montana and has issued tribal enrollment cards to all living persons. All descendants of such enrolled persons have also been given member status. The Tribe has adopted by a vote of its membership, Exhibit "A" as the method for determining membership. Enrollment will be closed July 1, 1982 and notice has been given throughout Montana. The tribal members, in a meeting in May, voted by Tribal Resolution to request this Committee to distribute the funds in the same proportion as the other Tribes. Over 100 years have passed to obtain these funds for our people.

Please grant it to them.

/s/
RALPH DONEY, Chairman

/s/
GEORGE PLUMMER, Tribal Council and
Representative as Acting Chairman

EXHIBIT "A"

Section 1. The membership of the Little Shell Tribe of Montana shall consist of the following:

(a) Basic Membership Roll. All persons of Pembina Indian blood whose names appear on the Roe Cloud enrollment and those who trace their ancestry to the followers and descendants of Chief Thomas Little Shell, which roll shall be known as the basic membership roll of the Tribe.

(b) All children and grandchildren of Pembina Indian blood born between the date of the roll, and July 1, 1982 to a parent or parents, grandparent or grandparents, either or both of whose names appear on the basic membership roll, provided an application for enrollment was filed with the Secretary of the Tribe by July 1, 1982.

(c) All persons of at least one-quarter (¼) degree Pembina Indian blood upon proper application made. Such persons shall not be eligible for an award or awards made to such tribe or its members prior to July 1, 1982.

Section 2. Any person of Minnesota Chippewa Indian blood who meets the membership requirements of the Tribe, but who because of an error has not been enrolled, may be admitted to membership in the Minnesota Chippewa Tribe by adoption, and shall have full membership privileges from the date the adoption is approved.

Section 3. Any person who has been rejected for enrollment as a member of the Little Shell Tribe shall have the right to appeal within sixty (60) days from the date of written notice of rejection to the Secretary of the Interior. The decision of the Secretary of the Interior shall be final.

Section 4. Nothing contained in this Article shall be construed to deprive any descendant of the Little Shell Indians of the right to participate in any benefits derived from claims against the U.S. Government when awards are made for and on behalf and for the benefit of descendants of members of said Tribe.

Section 5. The enrollment of this Tribe may be re-opened upon a majority of the enrolled Tribal members voting in favor thereof.

Introduction:

This written comment of S. 1735 is submitted to be included as part of the hearing record on the bill. These comments were orginally planned to be presented in oral testimony before the Senate Select Committee on Indian Affairs on June 17. Due to unexpected funding difficulties, travel to Washington D.C. was not possible on that date.

These comments are intended to present an objective synopsis of the views of certain interested persons regarding those sections of S. 1735 that will affect members of the incorporated but non-federally recognized Little Shell Tribe of Chippewa Indians of Montana. Many of these comments are based upon a 1971 letter discussing Little Shell recognition efforts (attached). Hopefully, these comments may suggest some consequences of the provisions that may not have been discussed heretofore.

Discussion:

Pertinent sections of S. 1735 effecting members of the Little Shell Tribe of Chippewa Indians of Montana include Section 6(a) et seq.

Section 6(a)(1) requires that the roll of Pembina Chippewas to be developed by the Secretary is to include all individuals who are of at least one-quarter Pembina Chippewa blood. This is satisfactory in that it parallels the minimum blood quantum required for membership in the Little Shell Tribe. The tribe has been incorporated in Montana. Tribal by-laws also provide that children of one-quarter blood Pembina Chippewas may be enrolled into the Tribe. The rationale behind this provision is apparently both to protect actual landless Pembina Chippewa in the event of possible future benefits through recognition of the Tribe and to perpetuate the Tribal membership. In view of the continual genetic assimilation and consequent diminishment of the relevant ancestral bloodline, enrollment of children of less than one-quarter degree is necessary. This discussion is relevant to S. 1735 in that the Tribal enrollment of children precludes usage of the Tribal membership roll as the final determinative factor in deciding who in the Little Shell Tribe is eligible to receive judgement funds under the terms of S. 1735.

The cut-off date for eligibility in section 6 (a) (3) is necessary to define the perimeters of eligibility. However, problems are inherent since a controversy can arise if a person otherwise entitled to a share dies before the enactment date of the bill. In this case the respective families could be expected to appeal the denial of the share. The bill's wording implies that this situation will be regulated by the Secretary persuant to section 7 (b). Since the provision is included to facilitate distribution, it is suggested that its ramifications be amplified to potential recipients to preclude future controversy. This could be accomplished through issuance of public notices of regulations concerning 6 (a) (3) not only in the Federal Register but to each of the respective groups involved.

This may help to mitigate the same problems encountered by writers of these comments, i.e., inadequate notice of proceedings with consequent hurried preparation of materials.

Section 6 (a) (4) precludes multiple compensation to one individual. This insures maximum compensable amounts to the maximum number of eligible persons.

Section 6(a) (5) (b) is construed as a necessary complement to section 6(a)(5)(A). Although the community may regard many landless Chippewa as Indians, the documents mentioned in 6(a)(5)(A)(iv) are often the only documentary evidence available for these persons to prove their Indian ancestry.

Part B's allowance of "any other (acceptable) rolls or records" is probably the best equitable approach that Congress can adopt to afford potentially eligible persons the opportunity to prove their ancestry before a hopefully impartial arbiter.

Section 6(b) should be complemented by additional wording to insure both that the Secretary's rules follow the intent and spirit of the 6(a) requirements and allow other acceptable sources to determine individual eligibility. To accomplish this purposes, it is proposed that section 6(b) be amended to read:

> " The Secretary shall promulgate regulations regarding nonmember Pembina enrollment procedures and shall utilize all documents listed in seciton 6(a) of this act and any other documents acceptable to the Secretary in establishing eligibility of an individual to receive funds under this section."

The effect of this amendment would be to mandate that the sources of the roll of individuals to be prepared by the Secretary under section 6(a) are definitive and basic. Practically speaking, use of these sources serves as a double-check of the accuracy of the Secretary's enrollment procedures, the consequent roll that is prepared, and the pre-existing membership rolls of the Little Shell Tribe.

Insofar as the Little Shell Tribe of Montana is concerned, the importance of section 6(c) cannot be overemphasized. The issue is whether 20% of each individual award should be excluded for tribal council use. Complete consideration of all available options is necessary since the future of the Tribe will be affected by the Congressional decision on this provision.

[illegible] S 1735 excludes the 20% set-off for tribal use that the other tribal recipients receive. On the one hand, "no 20%" forthe tribe enlarges the per capita amount that each member will receive at time of distribution. On the other hand, "no 20%" may foreclose much of the possibility of the Little Shell Tribe's past efforts to be federally recognized from ever being realized. Although at least two attempts in Congress to recognize the Little Shell Band have failed (with S 522 and S 287 in 1971), recognition efforts have not ceased. Understanding of the Little Shell Tribe's efforts for federal recognition is necessary to understand the full consequences of a withholding or granting of the 20%. One writer synopsized the Tribe's history and recognition efforts in the following manner:

> "...One band of these Chippewa Metis led by Chief Little Shell lived in the Turtle Mountain Region of North Dakota and had, over a period of many years, travelled back and forth into Montana in search of buffalo and other game. Because of their nomadic lifestyle, this group was essentially left out of agreements granting the Government easements through Indian land in North Dakota. In later agreements concluded in the 1890's, the band was dealt a low blow by the Presidential commission appointed to negotiate the cession of nearly all the lands claimed by the Chippewa Indians in the Territory of North Dakota. As a result, Chief Little Shell refused to go along with the Commission's actions and began a series of protests which continues to the present day and which directly involves the Little Shell descendants living in Montana...
> ...Today the descendants of the Little Shell Band are scattered throughout Montana and are thought to comeprise a group of approximately 3,000 persons. The group has been known by various names, but is currently incorporated as the Little Shell Band of Chippewa Indians of Montana. Although members of the group receive some benefits though the Bureau of Indian Affairs and the Indian Health Service, they are still to some degree unrecognized by the various agencies of the United States Government. It appears now that the efforts of representatives of the group before the Indian Claims Commission over the past 20 years may pay off. The group has met with only limited success thus far due to competition from other Chippewa groups and from the often - times antagonistic efforts of the Federal Government. Depending on the establishment of a Tribal roll by the Bureau of Indian Affairs, some members will probably be able to share in a sizeable award by the Claims Commission. The present leadership remains active, but its greatest need is sufficient

> funding to accomplish the research and coordination necessary to establish, once and for all, an enrollment which will be accepted by the Federal Government without question..."
>
> -Dave Gorton, student
> Univ. of Montana School of Law
> 1975

Some individuals argue that the entire per capita amount should be distributed since the money is needed now. Others think that a withholding of 20% of their per capita distribution is a small price to pay for the benefits accruable from recognition in the future of tribal status. Various compromises have been considered including:

-creation of a trust with the 20% to be invested for a term of years and the interest to be used for recognition expenses. These funds could be used to hire full-time personnel to prepare and submit tribal recognition materials. After a reasonable period of time in which tribal recognition must occur, the principal would be returned per capita to the orginal eligible persons or their heirs and funded recognition efforts would cease.

-placing the 20% in a limited term escrow account from which the interest could again be drawn off for recognition staff purposes and returned within a certain period of time if no recognition occurs.

The difference between the trust and escrow account ideas is that the trust would be liable for turning a profit for the individual members so that the eventual return would exceed that amount of the original investment. This may provide incentive for individuals to agree to a 20% withholding of their per capita amounts. The escrow account would return only that amount which would have been awarded at the time of distribution if no 20% had been withheld.

-creation of an escrow or trust of funds from only those eligible persons who are interested in contributing 20% of their respective shares. A problem exists in that if recognition were granted, even those eligible persons in the Little Shell Tribe who had not contributed would receive federal benefits. In addition, there would be no guarantee of the return of the 20% to the contributors if the recognition process should not succeed.

-Using a 20% withholding to purchase a land tract for tribal use purposes. (However, comments to S. 522 and 287 in 1971 rejected a similar proposal by concluding that "very few of these landless individuals would benefit from such an acquisition.)

-simply excluding 20% in return for a government grant of public land to the Little Shell Tribe for use by Tribal members.

-creation of an escrow or trust of funds from only those eligible persons who can trace their Pembina ancestry to 1863 and are interested in contributing 20% of their respective shares. A problem exists in that if recognition were granted, only a certain undetermined portion of persons in the Little Shell Band would receive Federal benefits. In addition, there would again be no guarantee of the return of the 20% to contributors.

-Any decision concerning withholding of the 20% from individual distributions for tribal use must take into account the fact that various Little Shell members have complained of little or no communication of information from the Tribal Council regarding S. 1735 and other tribal matters. At times it has appeared that only select members receive any information from the Tribal Council. Unlike the other groups involved with S. 1735, this lack of communication and possibility of little or no return in benefits if 20% is withheld and recognition does not occur necessitates placement of any 20% withholding not into Tribal Council hands but into a trustee or escrow's *neutral* holding for use by whatever body Congress chooses.

Section 7(b) is unclear. Different wording is necessary to show that the deceased individual must have been living at the date of enactment for eligibility. A possible amendment to the wording is:

> "...and the beneficiaries thereof determined *per stirpes* under regulations prescribed by the Secretary...."

Part of the perceived rationale behind *Section 8* is that some recipients are currently receiving public assistance and this award should not be used to penalize them or others since it is a fulfillment of a long-standing treaty committment by the Federal Government to its people.

Although the above bill provisions are noteworthy from the viewpoint of the Little Shell Band of Montana, Congress must keep in mind that there is a fear among potential recipients that the funds will never be allocated. Distribution as soon as possible will dispel these doubts.

Thanks for assistance from Charlene Belgarde, Maxine LaTray, John Contway, James P. Shields.

Submitted by

William B. Anderson
William B. Anderson

Ruby A La Tray
Ruby A. LaTray

Paul L LaTray
Paul La Tray

Pearl M Anderson
Pearl M. Anderson

Members, Little Shell
Band of Chippewa Indians
of Montana.

July 5, 1982

United States Department of the Interior
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 9 - 1971

Dear Mr. Chairman:

This is in response to your requests for the views of this Department on S. 522 and S. 287, bills "Relating to the status of the Little Shell Band of Chippewa Indians of Montana."

We recommend against the enactment of either bill.

S. 522 would recognize a group of people now residing in the State of Montana and calling themselves the Little Shell Band of Chippewa Indians as a descendant band of the Pembina Band which was signatory to the Treaty of October 2, 1863, (13 Stat. 667). It would permit the group to organize under the Indian Reorganization Act of 1934 (25 U.S.C. 476, et seq.), and when so organized it would entitle the band to all of the services performed by the United States for Indians because of their status as Indians. It provides that if the band ever acquires more than 100 acres of land by purchase or claim, title may be taken and held by the United States in trust for the band as an Indian reservation, the reservation to receive all of the benefits that any similar reservation is entitled to receive. The bill provides that no present or future claim of the organized band or its members shall be affected by this legislation and that all the costs incident to forming the organization, including attorney fees, are to be paid from funds appropriated for the general use of the Bureau of Indian Affairs.

S. 287 would permit the Little Shell Band of Pembina Band of Chippewa Indians to organize under such rules and regulations as the Secretary of the Interior may prescribe, while retaining full rights as citizens of the State of Montana and the United States. Nothing in the bill is to be construed as rendering this organization or its members eligible for services performed by the United States for those having the status of Indians. However, nothing in the bill shall preclude application of programs such as that of the Economic Opportunity Act of 1964 to this organization.

When the Pembina treaty of October 2, 1863 (13 Stat. 667), was negotiated, the Pembina Band was under the leadership of two chiefs, Little Shell and Red Bear, each with his own following. The Pembinas were promised a reservation in North Dakota, but because of difficulty encountered in finding a suitable site, a township was purchased on the White Earth Reservation in Minnesota and a substantial number of the Pembinas subsequently settled there. They are now an integral part of the organized Minnesota Chippewa Tribe.

Other Pembinas continued to roam the area until the Turtle Mountain Reservation was established for them in North Dakota by Executive Order of December 21, 1882. Both chiefs Red Bear and Little Shell (evidently a son of the treaty chief) settled with their immediate followers on that reservation. By this date large numbers of people generally known as Metis had become associated with the Pembina, or were residing in, the Turtle Mountain area and elsewhere in northern North Dakota and in Montana.

Pg 327 ~~314~~, 23 no.
Clms. Comm. 315

Metis (French for "half") does not mean merely "half blood" or "half breed" but has a much broader connotation, referring to a large cultural and sociological element formed during the buffalo hide trading era in the northern Plains region of North America. The Metis have French and other European ancestry as well as Plains Chippewa, Plains Cree and other Indian ancestry. By the early part of the 19th century they had developed a distinct culture, marginal to that of the tribal peoples and the anglicized societies of both the United States and Canada.

1850
Pembina
Census

By the late 1800's the Turtle Mountain area became inundated with Metis who had fled Canada after unsuccessful rebellions during 1869-70 and 1886. Chief Little Shell and other leaders, protesting the presence of the Metis, the resultant overcrowding of Turtle Mountain Reservation, and other unfavorable aspects of residence there, took some of their followers to Montana and to Canada. Little Shell later returned to the Turtle Mountain Reservation, but a pattern was developed of roaming between Turtle Mountain, northern Montana and adjacent areas in Canada.

Rocky Boy, one of the successors to Chief Red Bear, followed this pattern of a wandering existence. Ultimately his followers joined with a group of Crees under the leadership of Little Bear who were fugitives from the Metis rebellion of 1885 in Canada. The group led something of a pariah existence in Montana, individuals and families often scattering throughout the state and across the international boundary. By the Act of September 7, 1916 (39 Stat. 739), a reservation was established in northern Montana for these wanderers. The resultant Chippewa-Cree Tribe of Rocky Boy's Reservation has organized under the Indian Reorganization Act of 1934, *supra*.

Other Metis and people of Pembina and other Indian ancestry continue to be scattered throughout Montana. In unknown numbers they formed a group generally called the "Landless Indians of Montana" but also known as the "Little Shell Band of Chippewa Indians of Montana" and as the "Montana Landless Indians". Under these names and others they have formed organizations from time to time in an effort to obtain Federal services and land grants. Some of them can establish relationship with the 1863 Pembina treaty band; the greater number, however, can establish only Metis ancestry.

Pg. ~~328~~ Ref. to para. 6 1140 Cl.
~~Comm. 315 #V 332~~

1850
Pembina
Census

The "Little Shell" group in Montana which is seeking the enactment of these bills should not be confused with another entity sometimes called by the same name and which exists as a faction within the membership of the Turtle Mountain Band of North Dakota.

We have no objection to the Montana group organizing in such a manner that its members may be able to qualify for services offered by the State of Montana or by the United States to underprivileged citizens. We do not recommend that the group be given recognition as an Indian entity or that an Indian reservation be established for its members. Very few of the group are able to trace ancestry to the followers of Little Shell who signed the 1863 treaty. Some few of the group are Chippewas who for various reasons were unwilling or unable to enroll with the organized Turtle Mountain or Rocky Boy's Chippewa-Cree groups. Some of the group are people whose names appear upon the rolls of Federally recognized tribes but who have preferred an existence separate and apart from the tribes in which they are enrolled and away from the reservation on which they belong. But most of the group are descendants of alien Metis who crossed the international boundary between the United States and Canada, never returned to their own country, but for many years led a nomadic existence within the United States. There is among the group no bond of ancestry entitling them to recognition as an Indian tribe or band.

treaty of
1863 →
1864
Sec. 4
49 congress
2nd session
1887

The group has no land on which they may establish themselves as a reservation-based entity. The membership is widely scattered throughout the State, and possess no central locus from which they can function as a unit. There are some groups at Great Falls, Hays, Wolf Point, Helena, Chinook and at other towns and cities throughout the State. Perhaps the most noted grouping is the community at Great Falls which is known as "Hill 57". Should they acquire a tract of land by gift, purchase, grant, or otherwise, it is highly improbable that these scattered people, who for many years have resided in places of their own choosing, would consent to congregate together upon the tract. Should they do so, certainly a most substantial area would be required to make them even partially self-sustaining and new arts and skills would have to be developed. The end result would very likely be that a very few of these landless individuals would benefit from such an acquisition.

As American citizens, these people are now entitled to participate in all of the economic programs and benefits available to other citizens in their communities. Should those who are enrolled with Federally recognized Indian tribes or bands elect to return to the reservations where they are enrolled, there are Federal services available to them. These privileges should not be made readily available to groups who have no unity other than a claimed relationship to the Little Shell division of the Pembina Band of 1863--which claim is, as we have indicated, open to serious doubt for the band as a whole.

Similarly, although we have no objection to these people forming an organization to acquire services to which they are entitled from the same Federal, State, and local agencies that render these services to their non-Indian neighbors, we doubt the ability of such an organization to function effectively on a statewide basis. We believe that these people would have a more effective, less unwieldy operation should they form a number of separate organizations under state law, with each organization encompassing at least one of the larger scattered groups. In any event, since only a comparative few of these people have definite Indian ancestry, we believe that the Federal Government has no obligation to finance the cost of forming such organizations, as provided in both bills.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Harrison Loesch

Assistant Secretary of the Interior

Hon. Henry M. Jackson
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington, D.C.

Mr. Gebhardt. We do believe we have gotten about everyone who is in Montana enrolled.

Ms. Boylan. That is very impressive.

There is a possibility that after our meeting today and while you are in Washington, that you could go down to the Bureau and talk with the recognition people to see exactly where you are in that process of recognition. There is a possibility that we could mandate a priority for the Bureau to address your petition for recognition, if you would want that. We would have to talk about this some other time.

Mr. Gebhardt. Smiles come over our faces on that.

Ms. Boylan. It is hard to do that. But on the other hand, the policy of the Bureau, as I understand it, is not to set aside 20 percent of judgment funds for tribes that are not recognized, so you are in a bind.

That is one way we could deal with it, particularly since, as I understand it, it is going to be awhile before these funds will be made available.

One of your amendments refers to a 90-day period. That is wishful thinking. As I understand it, it is going to be at least 18 months or maybe 2 years before all the rolls are finished.

Mr. Gebhardt. We have waited 150 years. We can wait 2 more years.

Ms. Boylan. In the meantime, we can proceed with the recognition problem in a manner that is satisfactory to the Department. If you have an enrolled membership and a procedure for electing tribal officials, then it seems to me that you are on the road.

The only problem I have is that I understand that your chairman was killed in an automobile accident last year in Missoula, Mont.; is that correct?

Mr. Gebhardt. Yes; and another chairman was elected in his place. We are a recognized Montana corporation. We are incorporated.

Ms. Boylan. I heard that this chairman, who assumed the office, was never officially elected. But you are saying he was officially elected?

Mr. Gebhardt. Yes; he was officially elected.

Ms. Boylan. He could not be with us today?

Mr. Gebhardt. Yes; he is ill.

Ms. Boylan. I thank you. I have no other questions. We thank you very much for your testimony.

Before we close the hearing, the Minnesota Chippewa Tribe could not send any witnesses today. But they may be submitting written testimony for inclusion in the record.

Ms. Boylan. That concludes our hearing.

[Whereupon, at 11 a.m., the hearing was adjourned.]

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APPENDIX

Additional Material Submitted for the Record

REPORT

SEN. LIBRARY

OF THE TURTLE MOUNTAIN INDIAN COMMISSION.

------oOo------

Hon.John W.Noble,
Secretary of the Interior.

Sir:

Pursuant to the Act of Congress and instructions from the Interior Department, the Turtle Mountain Indian Commission met at Devil's Lake, North Dakota, and after visiting John H. Waugh, Indian Agent at Fort Totten, proceeded with him to Belcourt, a mission in the mountains and the head quarters of Mr. E.W.Brenner, the farmer in charge. It found on its arrival that most of the band, and persons claiming to be members thereof, had assembled some days previous and were awaiting its arrival expecting a council, which, they had been advised by non official persons assuming to act for their interests, would be held immediately; and when informed that it would not be held until a correct census of the band had first been made which would require from ten days to two weeks, they were greatly disappointed.

A matter of some serious concern met the Commission at the outset, that of furnishing provisions for the band during its council with them, many of them demanding food before they would consider any question between themselves and the Government, giving as a reason that it had been a long and unbroken custom for the Government to supply them with necessary food for themselves and families during the continuance of councils, and that in their case they had nothing to live on while assembled.

The commission was adverse to the 'Feasting business', especially in view of the fact that the time which would be required to complete its business with them and in view of the further fact that an expense of about two hundred and fifty ($250.) dollars per day for feeding purposes would soon exhaust the small appropriation available for the purpose of this Commission. From the fact, however, that the Government had made no provisions for their support and that they were absolutely without provisions, there seemed to be no alternative left the Commission, and therefore, after considering the suggestions of Mr. Waugh and Mr. Brenner, it made provision for them during the time they were necessarily present at the call of the Commission.

In 1891 a committee of sixteen mixed and sixteen full bloods had been elected by the band to look after its interests, and especially the matter of ascertaining who were American Indians and members of the band. This committee being composed of many of the oldest inhabitants of the Turtle Mountains and persons, who were fully acquainted with the people and had been so for many years, were naturally of great assistance and they were therefore requested by the Commission to be present and assist in taking the census, the Commission furnishing them provisions necessary to live on during the time.

This committee had already stricken off the list as previously fixed by a prior commission some five hundred and twenty-two names. The Commission then went over the list of names remaining after this number had been stricken off, and with the entire committee first struck off all those American tribal relations were considered by any member of the committee as being in the least questionable. It then went over the remaining names, carefully making full inquiries concerning the relations, birth place, former living and present location and all other matters pertaining to the question of their tribal relations, and made a complete list of those who were unquestionably American Turtle Mountain Indians. A list was then made of all persons whose names were stricken off the rolls, whether by the committee or this Commission, and copies of these lists were posted in conspicuous places throughout the reservation and also read at the churches at the Belcourt Mission and St John's, and special notice sent, through the Indian Police, to individuals who had not been present at these places. With these lists, was a notification, that the Commission would proceed on a given day to hear the application of any who desired his or her name reinstated, a copy of which notice is filed herewith. The testimony under oath of all claimants who made application for reinstatement and their witnesses was taken before the Commission. A large number of cases were heard and with a few exceptions their claims were rejected. At the beginning there were many present when the Commission considered Canadian Mixed Bloods. But after a number of cases had been disposed of, the others, (whose conditions were, as near as the Commission could ascertain, about the same as those rejected), refused to present their cases.

The Commission then went over the names of those who had been rejected and who had not responded to the notice, and finding from the best available evidence that they were not entitled to recognition as members of the Turtle Mountain Band the census was completed as herein reported.

Having completed the census, the next step in accordance with letter of instructions from the Department, was to go to Fort Berthold and if possible obtain the consent of the Indians of that reservation, namely, the Mandans, Arickarees and Gros Ventres, to receive the Turtle Mountain Indians.

To insure the confidence of the band, who from the very beginning were adverse to leaving, that the Commission desired to be perfectly fair with them and if possible select for them a place which would meet with their approval, the Commission considered it best to take with it to Berthold a few of the band to look over the country with it. The band selected four full and two mixed bloods, namely, Little Shell, Chief, Foggy Cloud, Clear Eyes, Conic, Vandall and Jerome.

Immediately upon the arrival of the Commission at Berthold, it called upon Mr. Murphy, the Indian Agent, and arrangements were made for a council. In the interim of three days prior to the meeting of this council, the Commission visited different portions of the reservation for the purpose of ascertaining whether it would be a proper place to locate the Chippewa band.

This reservation lying along the Missouri River consists of about 1,300,000 acres. The most valuable portion of it is the level table land bordering the river and which is from one to two miles in width. The soil is fine sandy loam composed entirely of river deposits and naturally capable of raising fine crops of any kind of grain, but which, owing to the very limited rain fall, is of very little value for agricultural purposes. The chief agricultural product is corn and some wheat, oats and barley, which at present has very little market value owing to the great distance to any point of transportation and the still greater distance to the point of consumption. This country is best adapted to stock raising, an occupation which can have but little beneficial effect as a civiliser on the Indian. As a whole the country is far inferior to that of the Turtle Mountains.

The Commission in its council presented to the tribes constituting the Berthold Indians the fact that their reservation consisted of 1,300,000 acres; that only about 118,000 were necessary for their allotments, leaving 1,182,000; that the allotments would be all that they or their children would ever utilise; that the Turtle Mountain Chippewas were a band of Indians, which in former years had been friendly with them; that said Indians were known to be of good character and inclined to peace; that the Government did not ask them to relinquish any of the lands reserved for them without compensation; that the fund which would be paid by the Government for such portion of their land, as would be necessary to secure allotments for the Chippewas, could be added to the fund of $[illegible]00,000 now held by them and would inure to the benefit of themselves and their children and would be far more beneficial than the holding of unused land; that this would not interfere with their own allotments for the reason that they could select theirs first.

They answered in substance,that the allotments allowed by law,in their section of the country,a stock raising section alone were greatly inadequate; that they needed not only the allotted lands for their homes and the raising of their corn and vegetables,but also needed the wide ranges of their reservation to support the numbers of stock required to make stock raising successful; that they had just completed a contract with the Government whereby they ceded 1,600,000 acres and they were surprised that the Government should so soon ask from them more land; that when they made the contract with the former commission ceding this land,that Commission,representing the Government,told them they would need all the balance of said land and advised them to sell no more; that when they made this contract the three tribes entered into a mutual solemn agreement that they would not sell any more of their land for at least fifteen years; that they looked only to their childrens' interest and would not sell anything further until those children were all grown up and then they could act for themselves. No amount of persuation could induce them even to consider the subject of disposing of any of the reservation at this time or receiving their neighbors,the Chippewas. It was certainly a very inopportune time to attempt to make a treaty with these Indians. They were well provided for at the present,$800,000 being to their credit for lands just ceded. It is a characteristic of the Indian that when he is provided for he never wishes to sell for any price,but on the contrary when he sees no provision is made for the future and he once makes up his mind to dispose of his property the price he is to receive is of but small importance to him so that he gets rid of it.

Finding it impossible to secure the assent of the Berthold tribes to admit the Chippewas, the Commission wired Agent Waugh, to call a council at Turtle Mountains of all adult males on the roll as revised by it, and returned to the latter place.

In the latter council the Commission presented to them the necessity of having their matters finally decided, and urged them to lay aside all fractional differences and join with it in arriving at a settlement of their matters with the Government, explaining to them the entanglement that had already arisen owing to the fact that the matter had not been fixed before white settlers had filled the country and their reservation crowded into the limits of two townships; but that the condition must be met as it is and no time wasted in discussing matters that could not now be changed; that it was impossible for them to take allotments within these two townships, that there were only 18,000 acres of tillable land in these townships, and not one tenth the amount that would be required for their allotments; that congress could not be induced under any circumstances to increase the size of that reservation; that they must lay aside once and for all any hope of having their present reservation increased to thirty miles square or extended a single foot; that the game being gone it was folly for them to still cling to their ancient method of gaining a livelihood; thdt it was not only an absolute necessity for them, but a duty which they owed to their children, to adapt themselves to this new order of things and provide for the support of themselves and their families; that the first question for them was to decide where to go, that in order for the Government to render them proper assistance in their first efforts to make a living in the manner of white men, it was best that they should go together, and keep in the same vicinity as nearly as possible; that it was the intention of the Government to give them proper support and protection until they could support themselves; that although the Government had never directly recognized their claim to the lands they sought to be paid for, still as the Government desired to be perfectly just and fair to them, it was willing to pay them a reasonable sum to be used in assisting them to rise to a self supporting basis, and that it therefore mattered but little to them whether their claim was well founded, provided they were properly paid, and that the Government was willing to do; that they must limit their demand to what was actually and obviously necessary to secure the proper assistance; that any agreement made with them must be ratified by Congress and that Congress would ratify no agreement requiring the payment of an exorbitant sum; that in determining upon a sum to be paid for their relinquishment they must not lose sight of the fact of the liberal provisions of the allotment act, whereby each head of a family is allowed 160 and each minor 80 acres of land; that it would be idling away time and also be an injustice to them for the Commission to make extravagant promises, only to be rejected by the Government, and that it desired to make such a contract that its reasonableness would insure its acceptance by Congress; that their present deplorable condition was to a great extent due to the fact that they had no contract with the Government; and that the provisions they were now receiving were merely gratuitous, subject to be lessened, or cut off entirely, by any subsequent Congress, and that their interest could only be properly subserved by a definite and certain agreement with the Government; that the Government would not make provision for their allotments in the country immediately surrounding the two townships; but that under the Indian Homestead Act any head of a family or person over twenty-one years of age could select 160 acres on any vacant public land, and that those who did not desire to remove to any other section could take advantage of that Act wherever they could find vacant lands. The question of going to Berthold was brought before them in its most favorable aspects.

Speech making was then freely indulged in by many members of the band. The faction headed by Little Shell, hereditary Chief, red Thunder, Yellow Bird, Young Man and others complained bitterly of the action of the committee of thirty-two and the commission, in cutting down the membership roll, and it required some little time to convince them that the act of the Commission would not be open for discussion and to bring them down to the consideration of the real matter before them.

The general subject was then discussed by Ka-ki-na-wash, Chairman of the committee of thirty-two, Beaver, Yellow Day, Foggy Cloud, Offers-the-Pipe, Circling Hawk, Elevated, Red Bear, and many others.

They complained much of the treatment that they, a friendly band, had received from the hands of the Government, as compared with its treatment of the tribes concerned in the Minnesota Massacre of 1862. They asked the Commission: Have we or our ancestors ever ceded the lands we claim? If we have there must be some record of it on the files in Washington, and if there is, we ask the Commission to show it to us. If we have ceded this land we will no longer make a claim to it, but if we have not, we ask the Government to deal rightly with us. The Government has not taken the lands of other Indians, even its worst enemies, without securing the Indian title. What right then has the Government to reduce us to two townships? We are unlearned and cannot read or write and we ask the Commission not to deceive us but to inform us truly whether or not this land has ever been ceded to the Government. The Commission replied, that it finds no relinquishment of the territory from them but that there had been a question as to the location of the boundary line between them and the Sioux, and also as to whether a part of this land claimed had not been the ancient home of the Assinaboines; but whether their claim was well founded or not, it was of no consequence, if the Government paid them a reasonable price to extinguish it.

They replied that the Government powerful as it is, should be ashamed to arbitrarily take the lands from them, who are defenceless to protect it, save as they appeal to the integrity of the Government. And again they say: Through all the Indians Wars we have been the friend of the white man, and though often provoked by injustice and imposition, we have never resented. And yet we have noticed that every time the Sioux tribes have risen against the Government, and killed white settlers, the

Government has gone down into its pockets and increased their provisions and paid them well for their lands, while it arbitrarily seeks to deprive us, who have at all times been its friend of our homes. They reiterated their claim for a reservation at that place thirty miles square, and plead their love for their ancestral home, where sleep their fathers, some going so far as to declare they would never leave it, and if it was God's will that they and their children should perish by hunger, they would die in the country the Great Spirit had given them. The commission again announced that it was not possible to increase the size of the reservation at that place, and that discussion in that line was useless. Little Shell and adherents then declared that if this was the decision of the Commission, that they agreed that further discussion was useless, and that they would leave, as they would never consent to any treaty which would not give them the thirty miles reservation at the Turtle Mountains. Members of the committee of thirty-two then stated that as the other members of the tribe were unable to suggest any basis on which there was a hope of a possible arrangement ,they would have a meeting and see what proposition could be made, but they first desired to know what proposition the Commission had to help them out of the difficulty that met them.

The Commission then suggested to them the following points as a basis of the agreement.

1. Relinquishment of all claims to lands in North Dakota.
2. Permission to resident settlers in the two townships to have a preference right to lands settled on, their selection to

be made to conform to the Government surveys and not to exceed 160 acres to each head of a family.

3. Other members of the band not now having settlements on these two townships to have second preference to select homes thereon to be governed between themselves according to priority of settlement and filing.

4. Selection of allotments at some other place; and if a selection could not then be made, it would be made in the future by a committee appointed by the Government to act in conjunction with one appointed by the band, and their selection subject to the approval of the Secretary of the Interior.

5. In case any settler who had improvements on lands desired to remove to the place selected for allotments, such settler to be paid for actual value of improvements thus abandoned.

6. For the relinquishment, the Government to pay a sum to be agreed upon, which should be divided into ten annual payments, in such proportionate amounts as should be deemed most advisable to best promote self-support among the tribe.

7. When persons entitled to allotments are too old or infirm to make use of the same, the value of such allotments, according to Government price of land to be paid to such persons in lieu of allotment to be used for their support under the direction of the Commissioner of Indian Affairs.

The allotment elsewhere met with general disfavor. They would rather put up with but a very small farm for the head of each family, and remain there, than take liberal allotments for themselves and their children elsewhere. Some days were spent in the discussion of these matters.

A few days prior to the final agreement,Mr.McCumber,one of the Commission,was called home on account of sickness in his family and the other members completed the work and secured the final contract.

This Committee of thirty-two returned a proposition asking that there be a reservation set apart for them thirty miles square at Turtle Mountain and an appropriation of $50,000 per year for 100 years.

After some days and nights of constant negotiations the following final agreement was secured:

(Here follow the Articles of Agreement).

The Commission is well aware that the agreement secured does not meet the exact object for which the commission was appointed,as expressed by the Act of Congress. This law contemplates the release of claim to all lands in North Dakota and the removal of the Indians to some other place.

Neither is the agreement such a one as the commission desired to make. The matter,however resolved itself to this: Either to accept those terms or nothing at all. And in view of the complete failure of former attempts to secure an agreement,it was deemed best for many reasons to accept this contract,especially in view of the fact,that Congress would have to act on it before it became binding. The Commission,however deem it but just to state,after an examination of the whole matter and comparisons with other treaties,that a less liberal agreement on its part would have been unjust to the Indians.

Every effort in the power of the Commission was exercised to secure the relinquishment of the two townships in connection with the general relinquishment to the Government. And it was also urged upon the band that a provision be made in the treaty by which the lands in the two townshipś should be held in severalty and that such lands as were not in a given or stated time taken by the Indians should be open to settlement,the proceeds of the sale to be paid to them; that this would not in the opinion of the Commission affect them as there was not enough land for more than a small portion of their number. But this was so objectionable to the leading Indians,that to have inserted or retained such a clause in the agreement,would have defeated it. At length they consented to the third article of the treaty,which the Commission believed,will,long before the expiration of the twenty years result in the whole of the two townships being taken in severalty for the reason that the individual Indian would soon realize that it is to his own enterest,in order to protect him in the fruits of his labor.

It is estimated that about 13,000 acres of these two townships are fitted for agricultural purposes. The balance is wood land interspersed with small lakes,the proportion of land and water surface being about the same. This condition is true of all the Turtle Mountains proper. The intricate connection of lake with lake and wood land with wood land,is such as to render it exceedingly impracticable,if not possible to travel any great distance through the mountains,except in winter time. The tillable lands lie in the prairie country contiguous to the foot hills.

The question of consideration to be paid for the relinquishment of the Indian claim to all lands in North Dakota is deserving of more extended consideration. The question of the validity of the Chippewa claim, and the boundary line between them and other tribes, has been often before the several divisions of the Interior Department. It will be found quite fully considered in a letter of June 7th, 1882, from the Honorable H. Price, Commissioner of Indian Affairs, to the Honorable Secretary of the Interior, where the conclusions reached by the Commissioner is in harmony with the findings of this Commission.

The two principal treaties bearing upon the boundary line between the Turtle Mountain Indians and other tribes, and also the territory actually ceded are the one of September 20, 1851 made with the Red Lake and Pembina Chippewas, and the one of February 9th 1867 made with the Sisseton and Wahpeton bands of Sioux.

By the first mentioned treaty the Red Lake and Pembina bands ceded to the United States a tract of country about 120 miles in length by 65 miles in width, intersected near its center by the Red River of the North. The southern and western boundary of that portion of the cession lying west of the Red River is as follows: "Up said (Goose) River to its most westerly source following the south branch thereof; thence northwardly in a direct line to strike a point on the international boundary five miles west of the Grand Cote". In the cession of lands to the Government by these bands in 1851 and 1853 they especially retained the land north and west of these boundaries.

By the terms of Article II of the treaty of February 9th 1867 with the Sisseton and Wahpeton bands, the claim of lands by the last mentioned tribe is bounded as follows: "Bounded on the south and east by the treaty line of 1851 and the Red River of the North to the mouth of Goose River, on the north by the Goose River, and a line running from the source thereof by the most westerly point of Devil's Lake to the Chief's Bluff, at the head of Janes River; and on the west by the James River to the mouth of Moccasin River and then to Kampeska Lake."

Lest there might be some difficulty or misunderstanding as to the extent of territory ceded by either the Sioux or Chippewa an agreement was entered into between these tribes more than fifty years ago, the original of which is still in the possession of one Wanata, hereditary Chief of the Sisseton band of Sioux and is as follows, to wit: "We, Ojoupay (Sweet Corn, son of Ojoupay), Second Chief of the Sisseton and Yankton tribe of Dakotas; and Wahnatah, (He-who-rushes-on), son of Wahnatah, First Chief of the Sisseton and Yankton tribes of Dakotas, do hereby declare that we intend to abide by the articles of the treaty entered into by our Fathers, represented by Chief Wahnatah, with the Chippewas, represented by Chief Emay-das-kah (Flat Mouth) at Prairie du Chine, about thirty three years ago, by which treaty the boundary line dividing the lands of the two nations (the Chippewas and Dakotas) was established and agreed upon.

We further declare that it is within our recollection that after the above treaty was agreed upon the boundary line has ever been known to us and our people to have been as follows: Commencing at the mouth of the river Wahtab; thence ascending its course and running through Lake Wahtab; from therse ascending its course and running through Lake Wahtab; from thence taking a westerly course and passing through the Fork of Sauk River; thence running in a northerly direction through Otter Tail Lake, and striking the Red River at the mouth of Buffalo River; thence following the course of the Red River down to the mouth of Goose River; then ascending the course of Goose River up to its source; then taking the due westerly course and passing through the center of Devil's Lake; after leaving the lake continuing its westerly course to Maison du Chine; from thence taking a north westerly derection to its terminus at a point on the Missouri River within gun shot sound of Little Knife River."

This leaves as near as this Commission can ascertain a tract of land of between eight and ten million acres lying north and west of Devil's Lake, the Indian title to which has never been ceded to the Government, and which is claimed by the Chippewas and their right recognized by by neighboring tribes. There are many other records recognizing both this boundary and the Chippewa claim to which we need not here refer.

This Commission is therefore forced to report that the Turtle Mountain band of Chippewa Indians have as valid an original Indian title to this entire tract of land as any Indian tribe had to any tract. The band insists on this claim and asks the Commission to show that it is not both valid and just; and in support of their claim that the amount agreed upon is but a meagre sum as compared with what the Government has paid for the relinquishment of the Indian title to other tracts, they argue that the Government is in fact paying but ten cents per acre for land, a large portion of which is classed among the best agricultural land in the state, while on the other hand, the Government has lately contracted to pay the Arickarees, Mandans and Gros Ventres bands, whose combined number is only 1,185 the sum of $800,000 for 1,600,000 acres of land, which, on account of the limited rainfall is almost worthless; that the Government pays the Fort Totten Sioux $2.50 per acre for land, which at the least is no better than the Turtle Mountain country and also pays the Wahpeton and Sisseton band of Sioux $2.50 per acre for land ceded by them.

If the Indian claim to land can be considered as having any legal basis,(and the Government has certainly by its acts recognised it to such an extent as to give the claim the sanction due to a vested Indian title).the Commission is forced to agree that as a matter of justice,when measured by treaties with other Dakota tribes,the amount agreed upon is very reasonable,and exceedingly favorable to the Government.

In view of the fact that the Government has paid other tribes quite liberally for their claims,the Commission believes that the sum of One Million of Dollars,which was the lowest sum it could secure under present circumstances,should be paid for the relinquishment.

If the claim is well founded,the rejection of this,or any smaller sum which would be acceptable to them,as a consideration for their relinquishment,would seem to the Commission to lay the Government open to the charge of no little partiality exercised in favor of Indians hitherto hostile,and against a tribe which,has hitherto,not only been friendly,but whose members have largely assisted the Government in its conflicts with hostile tribes.

It will adso be observed that by this treaty,no allotments are asked for by the Indians or provision made for their allotment. Unless some further provisions are made the members of the band will probably not attempt to secure allotments, but will content themselves with taking Indian homesteads on public land where they can be found within the vicinity of their ancient home. A great many however.who cannot obtain homesteads upon the two townships would be willing to take allotments elsewhere if they could find a place where the quality of the land and quantity of rain fall would be equally as good as in the mountains. The amount of funds available for the purposes of this Commission was too limited to justify the expense necessary in the search for a location that would meet this requirement.

From correspondence between the heads of the Departments as late as 1882, the Interior Department seems to have assumed that the band of Chippewa Indians at the Turtle Mountains consisted of not more than three hundred persons. This is approximately correct, if the term "Indians" is intended to apply only to full bloods. The Commission however, after going carefully over the names, and holding adverse to claimants for tribal connections, as strictly as the rules of the Departments would allow is unable to reduce the number of both full and mixed bloods to less than seventeen hundred and fifty-nine.

Owing to the fact that until somewhat recently, the International boundary between the United States and Canada was not definitely known, nor what portion of the Turtle Mountains were in the respective countries, the roaming character of the Indians and intermarriage with each other irrespective of National lines, and in many cases the roaming from one reservation to another, the taking of the census was rendered a difficult as well as a delicate matter. The Commission, however, believes that it has done as little injustice in taking the census, and determining who were members of the band, as is possible under the circumstances. The recognition by the Government of all persons as members of the band, whose either parent was a member thereof, very naturally increases the number by the addition of fast accumulating mixed bloods and their descendants. If this is unfortunate for the Government the fault is in the Law.

While many were cut off from the rolls,who had hitherto drawn rations as members,still the reduced number was again increased by the arrival of many sons and relatives,who,because of hard times,had sought a livelihood in other places until this matter could be settled between the band and Government,but who had never relinquished their tribal claims or their intention to return to their Turtle Mountain home. Under the rulings of the Department,as before mentioned,the Commission thinks that if there are three hundred or any number of Turtle Mountain Indians there are seventeen hundred and fifty-nine,who are equally members and entitled to be recognized as such.

The Commission would recommend that a committee be provided for on a part of the Government,to act with one on the part of the Indians,for the purpose of selecting a proper place for such members of the band as may desire allotments; also that the aged and feeble in lieu of their allotments may receive in money the value thereof,at Government prices for land,to be used for their support under the direction of the Indian Department.

In selecting lands for these Indians care should be exercised to select good farming lands in a section having sufficient rainfall to insure a reasonable prospect of an annual crop. It is folly to expect these Indians to make a living where white men who have fully and fairly tried,have failed.

The Commission believes that exclusive stock raising as a business,tends to retard civilization among the Indians. It requires labor to care for and secure crops,and labor is a civilizer. In the stock raising portions of the country the Indian ponies learn to help themselves to food by pawing the snow off the nutritious buffalo grass. The Indian owner finds this much easier than putting up hay,and he therefore proceeds in life in his old accustomed way,a way which certainly carries with it the evils attendant upon a shiftless mode of living. It is to the credit of the Chippewa band that they are cognizant of this fact and by the more advanced members,who desire to elevate their standard of life,it is urged as a reason for preferring strictly agricultural lands.

In the opinion of the Commission no measure intended for the advancement of the Indian can have full beneficial effect until the last Government payment has been made,and he is forced to earn his living as any other citizen. He is too near like his white brother. Take the average white man who has never been brought up under the regime of close and steady labor,but whose life has been like that of these Indians,and let the Government make him its ward furnishing him ever so scanty and meagre subsistence,and he will always remain a pauper. He will prefer living poorly and not work rather than bettering his condition or increasing his supply at the cost of a little hard labor. For this reason the Commissionerpositively refused to extend the payments beyond the period of twenty years,at the expiration of which time,those who have reached that age,where their life and character have become fixed,will have passed away. Again,the Indian character is

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practically made before the age of thirty-five. If he is a typical Indian, then he is bound to remain so. The civilizing influence should be thrown around him in the developing time of his life. The ambition to equal or excel is just as strong in the Indian boy as in the white; but the height of any boy's ambition is never higher than the highest condition within his observation, which may increase as his view of the world broadens. The segregations of the Indians and keeping them separate from white men on reservations is another great hindrance to civilization. In the reservation the Indian children see only a dull sameness in the culture of their surroundings. No man has a better home than the other. No one tipi presents a more favorable appearance than its neighbors. They see nothing but the squalid and uninviting, the best but little better than the poorest. The only thing they could find on which their ambitious desires can feed is some useless sport of the pony race sort. Thrifty white settlers should be scattered among them; and the rearing of beautiful homes with their carpeted rooms, ~~their carpeted rooms~~, their cosy furniture, their pictures and the many articles of art and refinement not forgetting cleanly and well dressed families, will have a greater civilizing effect, at least on the younger members of a tribe, than anything that has ever been attempted with the Indians. With these evidences of the benefits of labor constantly before the minds of the Indian children, there will naturally be created in them the desire to equal their white neighbors, and they will bend their energies in the line of daily toil to rear for themselves homes equal to their surroundings.

In the consideration of this it is but just to give to the Indian schools great credit for what advancement has been made of late among the various tribes. At these schools the young girls are to a certain extent brought in contact with and learn much concerning not only the accomplishments of their white sisters in manner and dress, but also much that tends to beautify and adorn the home. And if later in life, they have been fortunate to unite themselves with young men who have also attended schools the result has always shown a decided improvement in those particular Indian homes.

In order that there be no ambiguity in or cause for misconstruction of Article V of this agreement, the Commission would suggest that after the word "present" in line three of said Article, the words "not exceeding twenty years" be inserted, as it was the intention and so understood, by both parties to the agreement, to maintain the schools only during that period of time.

Before closing this report the Commission would not deem its duties fully performed without stating that much is due to Mr. John H. Waugh for what success has attended its efforts, and would advise that for the purpose of doing full justice the Indians be heard, and he be directed to bring before the Committee of Congress to which this matter is referred, such members as may be deemed reasonable, as this course would have much weight with those who are dissatisfied. During the entire time of the negotiations of this Commission there were several factions, whose difference arose on the part of some, who were unwilling to accept or consider any propositions that did not contemplate a reservation thirty miles square,and who steadfastly resisted any negotiation on the part of others who were willing to treat on any other basis. These together with a large number whose applications for enrollment were rejected; at times threatened not only to terminate negotiations but even to precipitate conflict among the several factions. During all this time Gabriel Dupont,an Indian of intelligence and influence gave his time and energies to allaying such troubles and did much service thereby. And while the Commission in the discharge of its duties rejected Dupont's application to be placed upon the rolls of the band,the Commission respectfully recommend such appropriation be made for said Dupont as Congress may deem reasonable for the service rendered.

In reference to the Census,the Commission desires to further state that during its labors in enumerating the band, it was intimated that there were many other persons who might properly be placed on the roll,these persons it was claimed were directly related to members of the band,but were either in Canada or with other Western tribes far remote from the Turtle Mountains and no one seemed to know positively whether they intended to return or that their names had not been placed on the rolls of other bands as members thereof. There was no evidence before the committee justifying it in accepting these people,as the committee had adopted a rule,which it believed necessary to prevent imposition,throwing the burden of proof as to tribal connection upon the claimants. These cases were not received. The commission,however,does not desire to be understood that there may not possibly,be other persons entitled to recognition.

Dated at Washington,D.C.
December 3,1892.

P.J.McCumber,
Chairman.
John W.Wilson,
W.Woodville,Flemming.,
Commissioners.